

colleague, Senator WEBB: S. 174, the National Criminal Justice Commission Act of 2009.

This bill would establish the National Criminal Justice Commission to undertake a comprehensive review of the current system and submit a report to Congress and the President that outlines findings and recommendations for changes in criminal justice policies.

Such action is vital to keeping our children safe. We must not be complacent in the face of such inconceivably violent and destructive acts as the crime that took Esme from us.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2 p.m.

Thereupon the Senate, at 12:34 p.m., recessed until 2 p.m. and reassembled when called to order by the Presiding Officer (Mr. BURRIS).

#### TAX ON BONUSES RECEIVED FROM CERTAIN TARP RECIPIENTS—Continued

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

(The remarks of Mr. JOHANNIS pertaining to the submission of S. Res. 452 are located in today's RECORD under "Submitted Resolutions.")

The PRESIDING OFFICER. The Senator from Utah is recognized.

#### HEALTH CARE REFORM

Mr. HATCH. Mr. President, I rise, joined by my friend, the distinguished Senator from South Dakota and chairman of the Senate Republican Policy Committee, to discuss the health care legislation being considered in Congress. The current debate is primarily about process. But before addressing that, I wish to remind everyone that in the end, this is about the substance of the legislation that Washington liberals want to impose upon the country by any means necessary.

This legislation is bad, both for what it represents and for what it would do. It represents a massive Federal Government takeover of the health care system. The health care and health insurance systems could be significantly improved with policies that respect individual choice, that embrace our system of federalism, in which the States can tailor solutions to their own needs and demographics. It could. But Washington liberals have rejected that path.

What would this legislation do? As I have argued in the past, this legislation would bust the limits the Constitution places on Federal Government power. Liberty itself depends on those limits, it always has and it always will. Those limits mean Congress may exercise only the powers listed in the Constitution. None of those powers authorizes Congress to take such unprecedented steps as requiring that individuals spend their own money to purchase a particular good or service,

such as health insurance, or face a financial penalty. This legislation would unnecessarily take this country into unchartered political and legal territory.

We just heard from the Congressional Budget Office that President Obama's policies will add a staggering \$8.5 trillion—that is trillion with a "t"—to our already sky-high national debt.

This is before passage of the health care tax-and-spend bill that would cost another \$2.5 trillion. Claims that this boondoggle will lower the deficit result from some pretty impressive accounting tricks. This legislation, for example, would start taking money from Americans immediately but would not provide any benefits to them for years. How about that as a neat way to lower a bill's supposed cost?

What do Americans get for all these trillions of dollars? They would be required to buy health insurance, but only 7 percent of Americans would receive any government subsidy to do so. Washington liberals say this bill cuts taxes, but 93 percent of all Americans would not be eligible for any tax benefit. Contrary to President Obama's explicit pledge, one-quarter of Americans making under \$200,000 per year would see their taxes go up. Middle-class American families paying higher taxes will outnumber those receiving any government subsidy by more than 3 to 1.

And after the higher taxes, increased government control, greater regulation, and paltry help in buying health insurance, this legislation would not control health care costs, which is the main reason for the concern about health insurance in the first place.

It does nothing to rein in the junk lawsuits that drive up costs and drive doctors out of medicine. Instead, this legislation would cut \$500 billion from Medicare to pay for a massive new government entitlement system that would include 159 new boards and other bureaucratic entities.

Last month, the White House released an 11-page document titled "The President's Proposal." Calling it that, I suppose, was to make it appear to be a meaningful step in a genuine negotiation. It is nothing of the kind. One of the most obvious changes suggested in this document was elimination of the Medicaid subsidy that the Senate bill gave to only one State. That was for political rather than policy reasons. And I cannot forget to mention that this 11-page document's suggested changes would add at least \$75 billion more to the cost of the Senate bill. That is around \$7 billion a page. But it offered nothing to change the real defects in this legislation.

For these and so many other reasons, this legislation is the wrong way to address the challenges we face in health care and health insurance.

Let me turn to my friend from South Dakota, Senator THUNE. Now that we have been debating these issues for the better part of a year, what do the

American people think of these liberal Washingtonian proposals and how did we get where we are today?

Mr. THUNE. I say to the Senator from Utah that he has made, over the course of the last year, many compelling arguments about the substance of this legislation and just now summarized what some of those are. The reason the American people have rejected this legislation is because they understand the substance of it. As the Senator pointed out, it has tax increases, Medicare cuts, and premium increases for most Americans. They figured that out a long time ago. That is why, if you look at the public opinion surveys that have been done with regard to the bill itself and to the process by which it got where it is, the American people reject it.

The reconciliation process, which has been talked about as a way in which to ultimately pass this through the House and then through the Senate, there have been polls that have asked the American public what they think of using reconciliation to enact health care reform.

The Gallup poll from February 25: 52 percent of Americans oppose the use of reconciliation. Last week's Rasmussen Report poll shows that 53 percent of Americans are opposed to the health care plan. Perhaps the most telling poll is a CNN poll from February 24—if you can believe this—that says 48 percent of Americans want Congress to start working on a new bill, and 25 percent of Americans want Congress to stop working on health care. Added together, that is 73 percent of the American public that wants Congress to either stop working on health care altogether or start over.

I am not among those who think we ought to stop working on this. This is a big, important issue to the American people. They want us to do it. But they want us to get it right. What is being proposed by our colleagues on the other side and what so far has been rammed through on a very partisan basis is a \$2.5 trillion expansion of the Federal Government that expands the health care entitlement but does very little to reform health care in this country or to address the underlying drivers of health care costs in this country.

So the Senator from Utah is absolutely right in describing why the American people are so opposed to this legislation; that is, because they understand it. They know what it does. They are concerned about the cost of their health care insurance in this country. They are concerned as well about those who do not have health care, and we have come up with solutions we think make sense to cover those who do not have coverage. But I think it is pretty clear where the American people come down on this issue.

Incidentally, I think that is also what many of these elections we have had recently are about. If you look at

what happened in Virginia, New Jersey, and most recently in Massachusetts, many of those elections were referendums, if you go inside the numbers, on the health care issue. I think it is a clear message to Washington that these health care proposals are not acceptable to the American people. Yet it does not seem that those of us in Washington, DC—or at least some of us—are listening to that message. Frankly, I believe, I say to my colleague from Utah, this is a bad bill. It has been rejected by the American people, part of it because of the substance of it; part of it because the normal process has not been followed. We all know what was done to get that extra vote to try and pass this bill through the Senate, to get that 60th vote—all these backroom deals that were put together at the last minute. We have heard the “Cornhusker kickback” chronicled, we have heard the “Louisiana purchase” chronicled many times over the last several months.

But I think the point, very simply, I say to my friend from Utah, is that, one, the American people understand this will lead to higher costs for most Americans, it is going to increase their cost of health insurance in this country; two, they want to see a bill that is put together in a way that elicits bipartisan support.

The Senator from Utah has been here since 1977. He has been involved in a whole series of important bipartisan debates, where important legislation was acted on in the Senate, but it was done in a way that had support from both Republicans and Democrats. I think that is what the American people expect of this process. They also expect us to conduct ourselves in a way that is transparent.

Doing legislation, 2,700-page bills behind closed doors, adding last-minute backroom deals to try and get that illusive 60th vote to pass it, and now using reconciliation—something that clearly was not designed for this process—is another issue that is even worsening the American public's opinion not only of the substance of this legislation but also the process.

I wish to ask my colleague about reconciliation. But before I do that, I wish to mention one thing because many of us—you and I both and others on our side—have talked a lot during the course of this debate about the cost and what we ought to be doing to address health care. If we wish to address health care in this country for most Americans—or reform health care—it means getting costs under control.

We have been arguing for some time that most Americans—and I think the Congressional Budget Office has validated this, the Actuary for the Centers for Medicare & Medicaid Services has validated this—that if you are buying in the individual market, you are going to see your insurance premiums go up above what they would normally go up, 10 percent to 13 percent, and if you are someone who buys in the large em-

ployer or small employer market, you are still going to see your health insurance premiums go up; they are going to be going up at the rate they are today or maybe slightly higher, but the rate they are going up today is twice the rate of inflation.

Yesterday, the Senator from Illinois, the distinguished whip in the majority, the Democratic whip, said on the floor of the Senate:

Anyone who would stand before you and say, well, if you pass health care reform, next year's health care premiums are going down, I don't think is telling the truth. I think it is likely they would go up, but what we're trying to do is slow the rate of increase.

So there you have it. We have been saying this all along—an acknowledgment by folks on the other side who are finally saying or reiterating what we have been saying all along; that is, health premiums are going to go up.

I think if you are someone who, as I said, buys in the individual marketplace or who is in the large or small employer market, you are going to see your premiums go up. The question is How much? I think for most Americans, they would go up significantly.

But I say to my colleague—and I would ask him because he has been here since reconciliation almost was put in place; you have to go back to 1974 and the Budget Act—but I am told it has been used 18 or 19 times since then. Since the Senator came here in 1977, I think every time reconciliation has been used, the Senator has been part of that process, has had to vote on that. There probably is not anybody in this Chamber who is more experienced on the issue of reconciliation—what it was designed to do, what it can do—than the Senator from Utah.

So I would ask the Senator if he could explain to those of us who have not been here as long exactly what reconciliation was designed to be used for, how it is designed to function, and why it is not applicable to the case of trying to restructure or reorder literally one-sixth of the American economy, which is what health care represents in this country.

Mr. HATCH. I thank my colleague for his cogent remarks because my friend from North Dakota is absolutely right. The American people are not buying this, nor are they going to buy this misuse of reconciliation.

Even with large majorities in the Senate and the House, the White House, and most of the mainstream media, Washington liberals have not been able to convince the American people this is the right way to go. The American people oppose this bill. They want us to start over, and they want us to adopt step-by-step, commonsense reforms.

We could do that, but Washington liberals instead are determined to find some way to get their way. The latest procedural gambit, which has been raised by my colleague, is called reconciliation. Before talking about what

reconciliation is, I have to emphasize what it is not. Reconciliation is not simply an alternative to the Senate's regular process for handling legislation. Instead, reconciliation is an exception to that process.

While the House is about action, the Senate is about deliberation, and the rules in each body reflect its role. For more than 200 years, Senate rules have allowed smaller groups of Senators to slow down or stop legislation. The House is a simple majority vote body, but the Senate is not. This creates checks and speed bumps to legislation, but passing legislation is not supposed to be easy, especially something that affects one-sixth of the American economy.

Reconciliation is the exception to that because it limits debate and amendments and requires only a simple majority. It allows for only 20 hours of debate. It actually weakens the role the Senate plays in the legislative branch and, therefore, this exception to our regular order was created to handle a small category of legislation related to the budget. While thousands of public laws have been enacted since the reconciliation process was created, that process, as the distinguished Senator from South Dakota said, has been used only 19 times to enact legislation of any kind into law.

Not only is reconciliation a rare exception to our regular legislative process, but using reconciliation to pass sweeping social legislation, as opposed to budget or tax legislation, is even more rare. Reconciliation has been used only three times to pass such major social legislation. Welfare reform passed in 1996 with 78 votes, child health insurance passed in 1997 with 85 votes, and a college tuition bill passed in 2007 with 79 votes. In each case, dozens of Senators in the minority party supported the legislation.

The health care legislation before us is not the kind of budget or tax legislation that has been the primary focus of the reconciliation process in the past. It is much more like the welfare reform or child health insurance bills, except for one very important thing: The health care legislation is a completely, 100-percent, partisan bill—100 percent. The reconciliation process, which from the start is a rare exception to our regular process, has never been used for such sweeping, major social legislation that did not have wide bipartisan support—never. It was never supposed to be used for that. You can criticize the three times social legislation was passed, and your criticism might be considered valid by some, but the fact is, those bills were bipartisan.

Washington liberals obviously know this because their latest talking point is, reconciliation will not be used to pass the large health care bill only to change the big health care bill. My friends, that is a distinction without a difference. The bill Washington liberals want is the combination of the big Senate bill and the smaller fixer bill. In

fact, they cannot stomach the one without the other. The bill they want, whether passed in one piece or two, cannot pass Congress through the regular legislative process. The health care bill that Washington liberals want, if it can be passed at all, can only be passed through an illegitimate use of this extraordinary process called reconciliation.

By the way, I would like to remind my friends on the other side of the aisle that the reconciliation process has been used only twice to pass a purely partisan bill on any subject, even those that reconciliation may have been designed for. In both cases—1993, when Democrats were in charge, and 2005, when Republicans were in charge—the American people in the next election threw the majority party out and gave the other party a chance to run the Senate.

Just as Washington liberals cannot convince the American people to support the substance of this legislation, they cannot make the case that reconciliation is a legitimate way to pass it.

Let me also say, there are those in the House who want to distort this reconciliation process even further by devising a way so that House Members do not have to actually vote directly on the Senate-passed bill. They want to create a rule that would deem the Senate bill as passed. Talk about distorting the process. Talk about the lack of guts to stand and vote for what they claim is so good. Talk about deceiving the American people. They have already distorted the reconciliation rules, but that would be a bridge too far.

I ask my friend from South Dakota, Senator THUNE, whether he has seen, as I have, the spin and misdirection that have been employed to give the impression that this is a legitimate process to pass this unpopular legislation.

Mr. THUNE. Well, I would say to my friend from Utah, it is interesting how the semantics and terminology changes in Washington depending upon what point you are trying to make. But many of our colleagues who have weighed in heavily against the use of reconciliation on a range of subjects—more specifically now health care reform—are now referring to it as simply a simple majority. All we are asking for is a simple majority vote, which does represent a spin and misdirection.

Because, as the Senator from Utah has noted, reconciliation, as a procedure, has a fairly special place in the history of the Senate, going back to 1974, when it was created. It is to be used for specific purposes: to reconcile spending, revenues, tax increases, tax cuts—primarily to accomplish deficit reduction.

As the Senator from Utah has pointed out, when it is used to enact significant legislation, generally it has broad bipartisan support. The Senator mentioned welfare reform. It had 78 votes for it. That is the most frequently

cited example of the use of reconciliation for something that was policy oriented. But, remember, that had 78 votes in the Senate. A huge and decisive majority of Senators decided to vote for its use in that case.

You also have, as I said, other examples where it was done to accomplish reducing taxes, increasing taxes. Those are all arguably legitimate uses under the procedure of reconciliation.

But now what you are finding is legislation that literally would restructure and reorder one-sixth of the American economy that would have profound consequences and a profound impact on the American people for not only the near term but the long term. We are talking about using this “go your own way,” “go it alone” process of reconciliation simply because using regular order cannot accomplish the objective that is desired by the Democratic majority. So they have fallen back on the use of reconciliation for something that is unprecedented.

It is interesting to me, if you look historically at what some of our colleagues have said, there are not many people who have more experience with this issue or more experience in the Senate than the Senator from Utah, but the Senator from West Virginia, a member of the Democratic majority, has been here even longer and is cited most often as being the author of the current budget process that we have, which includes this reconciliation procedure. He wrote a letter a year ago which I wish to submit for the RECORD, and I wish to quote the first paragraph from that letter of a year ago in April. He said:

Dear colleague:

I oppose using the budget reconciliation process to pass health care reform and climate change legislation. Such a proposal would violate the intent and spirit of the budget process and do serious injury to the constitutional role of the Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,  
COMMITTEE ON APPROPRIATIONS,  
Washington, DC, April 2, 2009

DEAR COLLEAGUE: I oppose using the budget reconciliation process to pass health care reform and climate change legislation. Such a proposal would violate the intent and spirit of the budget process, and do serious injury to the Constitutional role of the Senate.

As one of the authors of the reconciliation process, I can tell you that the ironclad parliamentary procedures it authorizes were never intended for this purpose. Reconciliation was intended to adjust revenue and spending levels in order to reduce deficits. It was not designed to cut taxes. It was not designed to create a new climate and energy regime, and certainly not to restructure the entire health care system. Woodrow Wilson once said that the informing function is the most important function of Congress. How do we inform? We publicly debate and amend legislation. We receive public feedback, which allows us to change and improve proposals. Matters that affect the lives and livelihoods of our people must not be rushed through the Senate using a procedural fast track that the people never get a chance to comment upon or fully understand.

Reconciliation bills are insulated from debate and amendments. Debate is limited to twenty hours, and a majority vote can further limit debate. The rules are stacked against a partisan Minority, and also against dissenting views within the Majority caucus. It is such a dangerous process that in the 1980s, the then-Republican Majority and then-Democratic Minority adopted language, now codified as the Byrd Rule, to discourage extraneous matter from being attached to these fast-track measures.

The Senate cannot perform its Constitutional role if Senators forgo debate and amendments. I urge Senators to jealously guard their individual rights to represent their constituents on such critical matters as the budget process moves forward.

With kind regards, I am

Sincerely yours,

ROBERT C. BYRD.

Mr. THUNE. That is what the author of reconciliation said a year ago about trying to do health care reform through this process that the majority has decided to use.

There are lots of other examples of our colleagues in the Senate on the other side of the aisle—and I could go on and on. The majority leader, Senator REID, in November of 2009 said: “I am not using reconciliation.”

Senator CONRAD, the chairman of the Budget Committee, said in March 2009 on the Senate floor:

I don’t believe reconciliation was ever intended for the purpose of writing this kind of substantive reform legislation such as health care reform.

Even the President, when he was a Senator at that time, and now President said reconciliation is a bad idea.

So we could go on and on and we can find these statements of our colleagues on the other side who, in the past, have expressed opposition, and not just timid, tepid opposition but, I would argue, very aggressive opposition to the use of reconciliation for something this consequential and are now sort of falling back.

I have 18 Democrats on the record who have said they oppose reconciliation and are now saying they think this could be used for this purpose and now is being referred to as a simple majority.

So, again, I would say to my colleague from Utah that I think the spin that is going on now to try to confuse the American people about what is happening is something we need to end. We need to be transparent and clear with the American people about what is being done here.

I would simply ask my colleague from Utah whether he thinks the process of using reconciliation, the process that has led us to this point, or, for that matter, the underlying substance of this bill, is something the American people would be proud of and would want to see us pass in the Senate.

Mr. HATCH. My friend from South Dakota hit the nail on the head. I appreciate his remarks. If this legislation were sound policy, if it incorporated consensus ideas, if it had any level of real support among the American people, Washington liberals would not

need to use the gimmicks they are using. They wouldn't have to use the tricks that are being used. They wouldn't have to use the spin that the Senator from South Dakota so accurately described.

I mentioned earlier that the reconciliation process has never been used to enact sweeping social legislation that did not have wide bipartisan support.

Mr. ROCKEFELLER. Would the Senator yield?

Mr. HATCH. I am happy to yield for a question because I do want to finish my remarks.

Mr. ROCKEFELLER. As I understand it—and I am presiding over the Federal Aviation Administration legislation, so this is a little offtrack, but it is very hard for me to listen to this kind of dialogue week after week without having these thoughts and questions.

Mr. HATCH. OK.

Mr. ROCKEFELLER. The Senate passed with 60 votes the health care bill which is now—

Mr. HATCH. Sixty partisan votes.

Mr. ROCKEFELLER. Right—which is now on the way over to the House. The House has it.

Mr. HATCH. Right.

Mr. ROCKEFELLER. The question is, is the House going to pass it. If there is going to be any health care reform at all, the House has to pass it. Now, if the House does pass it, it will then constitute about 85 to 90 percent of the entire health care bill.

I listened to my good friend and the Senator from South Dakota talk about 16 percent of the gross national product. But the bill that will come out of the House—hopefully passed—and, therefore, will not have to come back to the Senate will, No. 1, be nowhere—will be the vast majority of the 16 percent, if that is an accurate figure. But one thing that is even more clear to me is it will have absolutely nothing to do with reconciliation, just the regular legislative process.

The only question about reconciliation and the only place where it applies from this Senator's point of view is on that particular add-on that would be done to include some Republican ideas and include a few more things that the House wants to do.

I ask the Senator from Utah, why does he say this is reconciliation affecting 16 percent of GDP when, in fact, it affects 14 percent or 15 percent of GDP, which is simply in the regular order of Senate process and has nothing to do with reconciliation?

Mr. HATCH. Well, I have already said that it is the combination of these bills that Washington liberals want and that combination cannot pass without reconciliation. First of all, we know the House doesn't like the bill that passed in the Senate. If they had the votes to pass it over in the House, it would already be passed. So what they have done is come up with some cockamamie misuse of reconciliation to do a smaller bill.

Mr. ROCKEFELLER. I have stipulated that.

Mr. HATCH. Let me finish—doing a smaller bill that, assuming they can pass the large bill, would then come over here.

I submit to you—and I know it is absolutely true—they can't pass the larger bill. I have also indicated that they may abuse the rules further by getting a special rule over there that would would have to deem the Senate bill as having been passed by the House even though there never was a vote on it.

So the key vote would be the vote on the rule to deem the Senate bill as passed. That is a really, really mixed up and messed up version of the reconciliation process. There is only one reason they are doing that, and that is because it is the only way they can possibly get the health care reform they want.

Mr. ROCKEFELLER. Then I would further inquire: I don't see any possibility of the House changing a bill, which would have to come back over to the Senate, because it would be highly unlikely the Senate would be able to pass that bill. So I don't think that will be the process. I think what the House will do—and they said they haven't done it; therefore they can't do it—well, they said that about the Senate bill in the Senate, too, and we did, and it was very close for reasons that it got no votes from your side. But that is not the point.

The point is, reconciliation on 16 percent of the GDP, if they pass it—and this is all in the full time of working out the process on the House side the Senate bill, which is what they want to try to do, and then the reconciliation is not done on their side, it is done on our side, in which we put in a few things to—whatever will be attractive to Republicans as well as some things which will help with liberals on the Democratic side in the House because they are more liberal than we are.

That, I would say to my good friend from Utah, is not reconciliation, but it is put that way for months now. I am on the floor and I have this microphone and you are being kind enough to be patient with me, but it isn't reconciliation. The Senator from South Dakota said it is 16 percent of the gross domestic product. It isn't. It is probably about 5 percent, 6 percent.

Mr. HATCH. Well, I wish to finish my remarks.

Mr. ROCKEFELLER. I thank the Senator.

Mr. HATCH. I am happy to do it. I wish to finish my remarks, but the real problem is that the House is having difficulty passing the Senate bill because an awful lot of liberals don't like it, and an awful lot of conservative Democrats don't like it—if there are any conservative Democrats in that body; there may be a few, although there aren't any over here in this body. The only way they can get the bill back over here with their small reconciliation package that they talked about—

the only way they can do that is by abusing the rules.

Frankly, if they had the votes to pass it, it would have been passed by now. The Senator from West Virginia and I both know they don't have the votes.

Let me just continue on with my remarks. I mentioned earlier that the reconciliation process has never been used to enact sweeping social legislation that did not have wide bipartisan support, but I also wish to emphasize that such major legislation has had wide bipartisan support even when passed through the regular legislative process. That is the best way to achieve such significant change that can impact so much of our economy and virtually every American family.

The Senate, for example, passed the Social Security Act in August 1935 by a voice vote. The legislation creating the Medicare Program in July 1965 received 70 votes, a bipartisan vote. Legislation such as the Americans with Disabilities Act, in which I played a significant role, passed in 1990 by a vote of 94 to 6, and a revision in 2008 passed the Senate and the House unanimously. That is the best way to enact sweeping social legislation with wide bipartisan support and the deep consensus of the American people.

If you look at the meeting down at the White House of Republicans and Democrats and the President, I think it was shocking to many who had been blaming Republicans for not coming up with a bill, knowing that there was no chance it would even be considered, to see that Republicans had a lot of ideas and were willing to work with Democrats, would have worked together. We could have started by doing the things we can agree on and then go from there and see what we can do to bring about a bipartisan consensus. But, no, that wasn't good enough.

So whether our regular legislative process is used or the exception to that process called reconciliation is used, major social legislation has had wide bipartisan support. This one does not. Legislation with much less impact on the health care bills before us had to have wide bipartisan support. But rather than compromise or deviate in any way from their big government, federally controlled, one-size-fits-all approach, Washington liberals have insisted that they know better than the American people, and the American people have caught on to them. These liberals are determined to have their way by any means necessary, even by the illegitimate use of an extraordinary process such as reconciliation.

I ask unanimous consent that a column by this body's former majority leader, Dr. Bill Frist, appearing in the February 25 edition of the Wall Street Journal be placed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HATCH. Mr. President, Senator Frist cogently argues that using reconciliation for this health care legislation would be a historic and dangerous mistake.

There is still time to turn back from this path. There is still time to do what nearly three-quarters of Americans want us to do and that is start over and work together. I hope we do. I told the President 3 days after the inauguration, when I was down there at their request, that I would be happy to work with him, and I know a lot of other Republicans would be happy to. We were never even called on it.

I wish to thank my distinguished colleague from South Dakota, Senator THUNE, for his leadership in this body and his articulate arguments here today. I have appreciated them. He does a great job leading our policy committee and is a real advocate for sound ideas and conservative principles. I hope he feels as I do, as we have outlined today, that on both substance and process the Senate is heading in the wrong direction on health care reform. We need to pull back and do it right.

Mr. THUNE. If the Senator will yield for just one final point.

Mr. HATCH. I am happy to yield.

Mr. THUNE. I think it is an important one point. I hear articulated by our colleagues on the other side the whole process by which the House is acting on this legislation. I served for three terms in the House of Representatives. I still have colleagues and friends over there, and I know they have a way, through the rules process, of doing a lot of things that aren't allowed in the Senate.

The Senate was designed by our Founders to be more free flowing, to slow things down, and to be more deliberative. The Rules Committee allows them to put together what is called a self-enacting, self-executing rule and, as you said, to "deem as passed" the Senate bill without a rollcall vote or without a recorded vote on it, which tells us right there that there are a lot of House Members who don't want to vote on the Senate-passed bill. They don't want to go on the record.

The only way that bill can pass in the House of Representatives is with an accompanying reconciliation vehicle that makes the fixes that most of those House Members want to make.

My point simply is this: Health care reform cannot pass absent this reconciliation process that is being promised on the House side, and also being promised to House Members is that if they vote for it over there, the Senate will follow suit. With all the points of order that will lie against this legislation when it comes to the Senate, in all likelihood the House Members are being asked to take an incredible leap of faith that the Senate is going to be able to maintain many of the provisions they added to the reconciliation bill in the House.

The point—and I come back to the dialog the Senator from Utah had with

the Senator from West Virginia because I think it is an interesting point of discussion and one criticism I heard from our colleagues on the other side—but, frankly, the House of Representatives could not pass health care reform absent this reconciliation vehicle. It is about one-sixth of our economy. It is about reordering, restructuring, literally, something that is personal and important to every American. When you are talking about doing issues of that consequence and that impact, it ought to be done, as the Senator from Utah has mentioned, as has been done in the past, in a bipartisan way that elicits the best suggestions and ideas of both sides and gets a broad bipartisan vote in the Senate.

I thank the Senator from Utah for his leadership.

Mr. HATCH. I appreciate the Senator's remarks. Make no bones about it, they know they cannot pass the bill that has been sent over there, so they are going to attempt this extraordinary rules gimmick.

Frankly, it really disturbs me that on something this important, something that affects one-sixth of the American economy, they are willing to play games with this in order to get their will when a vast majority of the American people are against what they are doing. Only about 24 percent are for it. Frankly, they want their way no matter what. If they pull this off, and I question whether they can, but if they do, I believe they are going to pay a tremendous price.

It is not the way we should be legislating, especially since a number of us have been willing to work with them on issues we agree on first—and there is a lot we could agree on first—and then go from there and battle it out on the issues on which we cannot agree. That is a pretty good offer, and it has been on the table from the inauguration on.

There is something more to this. It is a question of power. If they get control of the health care system of this country and they move it more and more into the Federal Government and more and more people become dependent on the Federal Government, then it is a question of power.

I want to make fewer and fewer people dependent on the Federal Government. I would like to have people have freedoms. This is going to take away freedoms. Not only that, in order to arrive at this \$2.5 trillion bill, they have had to use accounting gimmicks like imposing taxes first and then 4 years later implementing other parts of the bill. Some of it will not be implemented until 2018, long after President Obama, assuming he is elected to two terms, is gone. That is to accommodate their union friends, knowing that otherwise they will never have the guts to enact that part of the bill.

This bill is going to cost a lot more. We are already spending \$2.4 trillion on our health care system in this country. They want to add another \$2.5 trillion

to it. They say it is \$1 trillion, but they use gimmicks for the first several years. Can you imagine \$5 trillion for health care? And they still do not cover everybody in our society. There is a real issue of whether they are covering a lot of people the American taxpayers are going to have to pay for who should not be covered.

To use this process to slip such a bill through, it is abysmal. They should be ashamed of themselves. They act as if the American people are so doggone stupid, they cannot figure it out. They have already figured it out. They know it is not a good thing.

Mr. THUNE. Will the Senator yield?

Mr. HATCH. Yes, I yield.

Mr. THUNE. I think they have figured it out, which is why the last survey I quoted was the CNN survey which said 48 percent of the people want us to start over and 25 percent want Congress to quit working on the issue altogether. That is literally three-quarters of Americans who have rejected the substance of this legislation—higher taxes, expanded government, Medicare cuts, higher premiums for most Americans—and some who flatout do not want anything done, which, as I said, is not the view to which I subscribe. Three-quarters of Americans understand what this bill is about. They know how it was put together, and they reject both.

Mr. HATCH. I know the distinguished Senator knows as well as I know that there are 1,700 provisions in this bill that turn the power over to make decisions on our health care matters to the Secretary of Health and Human Services. I don't care whether the Secretary is a Democrat or a Republican. Naturally, I prefer a Republican, but I don't care whether they are either. That kind of power should not be turned over to the bureaucracy.

I think Republicans are willing to stand up and have the guts to do it. My gosh, there has not been a hand extended to us at all during this process. They just said: Take it or leave it.

I was in the Gang of 7 on the Finance Committee. I thought that the chairman was trying his best but was not given enough power to really come up with a health care bill, except within the parameters they had already decided. He was so restricted. I decided that I could no longer continue in those talks.

The bill turned out as I thought it would. They took the HELP Committee bill and then they took aspects of the Finance bill and in one office, with even very few Democrats—no Republicans—they came up with this monstrosity of a bill on which the House now does not want to vote. They are going to do anything they can to avoid that vote, even gimmicking up the whole process. That is disgraceful, in my eyes.

I do not need to go on any further. I think we ought to start over. We ought to do it right. We ought to work together and start with the issues on

which we can agree. I think there would be a number of considerable issues we can agree on, starting with people who have preexisting conditions. They ought to be able to get health insurance. We all agree on that. There are a number of other things on which we can agree.

I thank my dear colleague from South Dakota. I thank him for the excellent remarks he made on the floor. I appreciate him answering some of the questions I had.

I yield the floor.

#### EXHIBIT 1

[From the Wall Street Journal, Feb. 25, 2010]  
A HISTORIC AND DANGEROUS SENATE MISTAKE:  
USING 'RECONCILIATION' TO RAM THROUGH  
HEALTH REFORM WOULD ONLY DEEPEN PARTISAN PASSIONS

(By Bill Frist)

Senate Majority Leader Harry Reid has announced that while Democrats have a number of options to complete health-care legislation, he may use the budget reconciliation process to do so. This would be an unprecedented, dangerous and historic mistake.

Budget reconciliation is an arcane Senate procedure whereby legislation can be passed using a lowered threshold of requisite votes (a simple majority) under fast-track rules that limit debate. This process was intended for incremental changes to the budget—not sweeping social legislation.

Using the budget reconciliation procedure to pass health-care reform would be unprecedented because Congress has never used it to adopt major, substantive policy change. The Senate's health bill is without question such a change: It would fundamentally alter one-fifth of our economy.

The first use of this special procedure was in the fall of 1980, as the Democratic majority in Congress moved to reduce entitlement programs in response to candidate Ronald Reagan's focus on the growing deficit. Throughout the 1980s and '90s, reconciliation was used to reduce deficit projections and to enact budget enforcement mechanisms. In early 2001, with projected surpluses well into the future, it was used to return a portion of that surplus to the public by changing tax rates.

Senators of both parties have assiduously avoided using budget reconciliation as a mechanism to pass expansive social legislation that lacks bipartisan support. In 1993, Democratic leaders—including the dean of Senate procedure and an author of the original Budget Act, Robert C. Byrd—appropriately prevailed on the Clinton administration not to use reconciliation to adopt its health-care agenda. It was used to pass welfare reform in 1996, an entitlement program, but the changes had substantial bipartisan support.

In 2003, while I was serving as majority leader, Republicans used the reconciliation process to enact tax cuts. I was approached by members of my own caucus to use reconciliation to extend prescription drug coverage to millions of Medicare recipients. I resisted. The Congress considered the legislation under regular order, and the Medicare Modernization Act passed through the normal legislative procedure in 2003.

The same concerns I expressed about using this procedure to fast-track prescription drug expansions with a simple majority vote were similarly expressed by Majority Leader Reid, Senate Budget Committee Chairman Kent Conrad, Finance Committee Chairman Max Baucus, and others last year when they chose not to use the procedure to enact their health-care legislation. Over the past several

months, an additional 15 Democratic senators have expressed opposition to using this tool.

The concerns about using reconciliation to bypass Senate rules which do not limit debate reflect the late New York Democratic Sen. Pat Moynihan's admonishment—that significant policy changes impacting almost all Americans should be adopted with bipartisan support if the legislation is to survive and be supported in the public arena.

Applying the reconciliation process is dangerous because it would likely destroy its true purpose, which is to help enact fiscal policy consistent with an agreed-upon congressional budget blueprint. Worse, using reconciliation to amend a bill before it has become law in order to avoid the normal House and Senate conference procedure is a total affront to the legislative process.

Finally, enacting sweeping health-care reform through reconciliation is a mistake because of rapidly diminishing public support for the strictly partisan Senate and House health bills. The American people disdain the backroom deals that have been cut with the hospital and pharmaceutical industries, the unions, the public display of the "cornhusker kickback," etc. The public will likely—and in my opinion, rightly—rebel against the use of a procedural tactic to lower the standard threshold for passage because of a lack of sufficient support in the Senate.

Americans want bipartisan solutions for major social and economic issues; they don't want legislative gimmicks that force unpopular legislation through the Senate. Thomas Jefferson once referred to the Senate as "the cooling saucer" of the legislative process. Using budget reconciliation in this way would dramatically alter the founders' intent for the Senate, and transform it from cooling saucer to a boiling teapot of partisanship.

Mr. Reid was right to rule out this option when this saga began last year. He would be wise to abandon it today.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BURRIS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

#### HEALTH CARE REFORM

Mr. BURRIS. Madam President, I just heard an interesting colloquy between two distinguished friends from across the aisle in reference to health care. Although I found that back-and-forth dialogue very interesting, one problem with the dialogue was it was misinformation that my distinguished colleagues are putting out on this floor and to the people of America. They keep saying we should start over on health care. They are saying we didn't incorporate any of their proposals. And that is the farthest thing from the truth.

The work on this bill took over a year, and they had all the input. Even the President of the United States incorporated their ideas into the bill we passed from this distinguished body, in

the bill that is now lying between the House and the Senate. So while I found their colloquy very interesting, I hope the American people will begin to look at what is being put out here, what is being said here, and realize that our distinguished colleagues across the aisle don't want to see health care reform enacted. Evidently, they want to continue with the same old ways, with the insurance companies controlling this health sick system, not health care system. It is a profit-making system for them. I hope the American people will see right through their comments.

I want to talk today about whether there are real winners and losers in this health care debate. Since the beginning of the debate over health care reform, we have heard an awful lot about the political problems associated with taking on this issue. It is difficult, it is divisive, and there are no easy answers, and for those reasons, it is no wonder our elected leaders have been unable to solve this problem for almost 100 years. This is nothing new. We have been working on this in this body for over 97 years.

There will never be a shortage of reasons to put off the tough questions, to avoid the tough issues and kick the can down the road. There will never be a shortage of roadblocks and excuses. Over the last century, we have heard an awful lot of them. But we must not settle for that any longer. We must reject the tired politics of the past and the tired politics of right now—and the politics we just heard from my distinguished colleagues from across the aisle. It is now time to lead. It is time to say: Enough is enough—to stop shrugging off the difficult problems and to meet them head on. It is time to fundamentally change the conversation.

We have heard far too much about the political winners and losers in the health care debate and not enough about the real winners and losers in America's health care system. So let us refocus the terms of this discussion and keep the perspective where it should be: on the ordinary Americans who need our help, the ordinary Americans who need health care coverage now.

Because this isn't about electoral math. It is not about poll numbers or partisan talking points or cold statistics. It is about hard-working folks who are suffering and dying every single day under a system that is badly in need of repair. It is about the people whose lives and livelihoods are on the line. Our success or failure at passing reform will have political consequences for some of the people in this Chamber, but I believe those concerns are insignificant compared to the real consequences it will have for ordinary Americans all across this country.

So I call upon my colleagues in the Senate and my friends in the media to focus our attention on what matters. Let's talk about what reform means for regular folks, not politicians or special



interests or even insurance lobbyists. This is bigger than politics. This is about addressing a national problem that has touched untold millions of lives over the past 100 years.

As we debate this legislation today, there are 47 million people in this country without any insurance coverage at all, and there are another 41 million people who lack stable coverage. For every year we fail to pass reform, another 45,000 Americans will die because they do not have health insurance and can't get access to the care they need. These are the people who are depending on us—folks in Illinois and every other State in this Union. These are the people who stand to benefit from our reform proposals and who continue to suffer every single day that we fail to take action; for example, people such as Linda and her husband, back in my home State of Illinois. In 2008, they were paying \$577 per month for health insurance under the COBRA program. They each had a clean bill of health and had no reason to fear illness or injury. But when their COBRA coverage ran out on the first day of 2009, their premiums jumped up to over \$1,000 per month. They had no idea why the change was so drastic. They were perfectly healthy. Yet their monthly bills had almost doubled. So to try to save money, Linda and her husband switched to the individual insurance market and got a plan with a \$5,000 deductible and a large copay. The switch was easy. They didn't even have to get a physical exam. Like many Americans, they had every reason to believe their coverage was secure.

When Linda's husband got sick in October of 2009, he had a successful bypass surgery. The insurance provider approved the procedure ahead of time. But once the surgery was complete, the company simply changed its mind. Even though Linda and her husband had never been treated for previous heart problems, and even though he had not even been diagnosed with anything, Blue Cross/Blue Shield suddenly decided he had a preexisting condition and they rescinded his policy. His coverage ended on the spot, and he and his wife were left out in the cold. Today, they owe medical bills that add up to \$208,000, with \$89,000 about to go into collection.

Linda and her husband are just like millions of us in this country; they were perfectly healthy; they thought they had stable insurance; they paid for quality coverage. And then, when they needed it most, their insurance company walked away from them. That is absurd. That should not happen to anybody in the United States of America.

I think Linda said it best when she said:

They did nothing but take our money, and now they're sticking us with the bill.

This is outrageous and it is totally unacceptable. Yet this is the reality faced by millions of Americans every single day. Insurance companies should

no longer be allowed to pull this kind of bait-and-switch action on anybody. That is why we need to pass reform that will give people like Linda the ability to hold insurance companies accountable so they can stop abusing their customers. That is why we need to restore robust competition to the market, so people can shop around if they don't think they are getting a fair deal with their insurance provider. That is why we need reform that will provide real cost savings, so coverage is affordable for Linda and her husband, along with millions of others like them. These are the people our legislation is designed to help.

I think we have heard enough talk about the political winners and losers in the health care debate. We have heard enough about Washington. Because across America, the only real winners are the big insurance corporations that continue to rake in the cash, making record profits. We saw the reports given on their income for 2009—record profits for the insurance companies, with less coverage, and millions of Americans being denied coverage. The only real losers are the hard-working Americans who can't afford coverage and can't get treatment.

It is our duty to fight for these folks, and I would urge my colleagues to honor this sacred trust. The other day President Obama gave a stern speech that captured the spirit of this fight. He called for bipartisan cooperation and urged regular Americans to get angry and to get fired up and to say: We aren't going to take it anymore. He asked them to get involved in this process so we can pass this bill and make reform a reality for Linda and millions of others.

My colleagues, let us take President Obama's speech as a wake-up call. Let us listen to the will of the American people. We have moved this legislation further than any other Congress. At this time, we cannot let this legislation not become effective. It should become effective, it will become effective, and we must finish the job.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3485 TO AMENDMENT NO. 3452

Mr. SPECTER. Madam President, I have sought recognition to discuss an amendment I intend to offer.

The U.S. shipyards play an important role in supporting our Nation's maritime presence by building and repairing our domestic fleet. The industry has a significant impact on our national economy by adding billions of dollars to our annual output. The commercial shipbuilding and ship repair industry is a pillar of the American steel-

worker labor force, employing nearly 40,000 skilled workers.

In the year 2000, the Philadelphia shipyard was rebuilt on the site of the U.S. Navy shipyard. The Philadelphia Naval Shipyard was a historical institution in Philadelphia, employed upwards of 40,000 during the height of the war. At the time of its closing, it employed about 7,000. We fought the case to retain the Philadelphia Naval Shipyard all the way to the Supreme Court of the United States because the government on the BRAC had concealed information from admirals that the yard ought to be kept open. But the case was too difficult, argued on the grounds that there was an unconstitutional delegation of authority to the base-closing commission. But the Supreme Court would have had to have overturned some 300 decisions to leave the Philadelphia Naval Shipyard intact.

The Aker Philadelphia Shipyard employs some 1,200 highly skilled professional workers. Since 2003, it has built more than 50 percent of the large commercial vessels produced in the United States. Additionally, the shipyard contributes over \$230 million annually to the Philadelphia region—\$5 to \$7 million per month in local purchases, \$8.5 million in annual revenues to the city of Philadelphia—and supports over 8,000 jobs throughout the region. Today, the Aker Philadelphia Shipyard is one of only two companies producing large commercial vessels in the United States and is a critical asset to the economic vitality of the mid-Atlantic region of the domestic shipbuilding industry.

Since the economic downturn, shipyards such as the Aker Philadelphia Shipyard do not qualify for loan guarantees under existing programs at the Department of Transportation. Without assistance, shipyards will be forced to begin reducing their highly skilled workforce.

As the economy recovers, so will the need for ships and our domestic shipbuilding capacity. There will also be an additional need for ships, as almost \$5 billion worth of double-hull construction and conversion work will need to take place by the year 2015 to meet the double-hull requirement under the Oil Pollution Control Act of 1990.

To address this dire situation facing our domestic shipbuilding industry, I am seeking the establishment of a loan guarantee program where the Secretary of Transportation can issue a loan guarantee for \$165 million to qualifying shipyards. Because loan guarantees leverage funding, the program would require only \$15 million to leverage the \$165 million. The \$15 million is offset by reprogramming previously appropriated funds, so there is no additional spending associated with this program. The Federal assistance would be short-term financing, bridge financing, to enable shipyards to remain in operation and meet the future anticipated demand for domestically produced ships.

I ask unanimous consent to have the full text of my statement printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Mr. SPECTER. Mr. President, I seek recognition to speak on an amendment I am offering to H.R. 1586, which is the legislative vehicle for the FAA Air Transportation Modernization and Safety Improvement Act." This amendment would create a loan guarantee program to maintain the domestic manufacturing capacity for shipbuilding.

With the U.S. economy still struggling to recover, manufacturing investments can have an immediate impact. Manufacturers have lost more than two million jobs since the recession began in December of 2007, so there is an opportunity to create a large number of jobs in the industry and to simultaneously revitalize our economy and overall global competitiveness. One area where benefits can immediately be seen is the shipbuilding industry. U.S. shipyards play an important role in supporting our Nation's maritime presence by building and repairing our domestic fleet; and the industry has a significant impact on our national economy by adding billions of dollars to U.S. economic output annually.

These shipbuilding investments are vital to the United States, creating thousands of good-paying jobs across the country. The commercial shipbuilding and ship repair industry is a pillar of the American skilled labor workforce employing nearly 40,000 skilled workers; and the ships produced domestically are an integral part of commerce, international trade, the Navy, Coast Guard, and other military and emergency support. With more than 80 percent of the world's trade carried in whole or part by seaborne transportation, the shipbuilding industry has always had and will continue to have a large industrial base that can support significant job creation and economic growth.

Since the mid 1990s, the industry has been experiencing a period of expansion and renewal. The last expansion was largely market-driven, backed by long-term customer commitments. Those new assets created much more productive and advanced ships than those they replaced. For example, articulated double-hull tank barge units replaced single-hull product tankers in U.S. coastal trades, and new dual propulsion double-hull crude carriers replaced 30+ year-old, steam propulsion single-hull crude carriers. The new crude carriers are larger, faster, more fuel-efficient and have a four-fold increase in efficiency over the vessels they replaced.

During the last expansion, the Department of Transportation's Maritime Administration touted the success of Aker Philadelphia Shipyard as a great achievement for the American shipbuilding industry. In 2000, Aker Philadelphia Shipyard was rebuilt on the site of a closed U.S. Navy shipyard. In a few short years, the shipyard became the country's most modern shipbuilding facility employing 1,200 highly skilled professional workers. Since 2003, it has built more than 50 percent of the large commercial vessels produced in the United States. Additionally, the shipyard contributes over \$230 million annually to the Philadelphia region, \$5 million to \$7 million per month in local purchases, \$8.6 million in annual tax revenues to the City of Philadelphia, and supports over 8,000 jobs throughout the region. Today, Aker Philadelphia Shipyard is one of only two companies producing large commercial vessels in the United States and is a critical asset to the economic viability of the mid-Atlantic region and the domestic shipbuilding industry.

Despite these successes, the economic collapse has stalled the shipbuilding industry by delaying planned ship acquisitions, constraining the credit markets, and making large vessel acquisitions impossible to finance. The long-term customer driven commitments that drove the last expansion are not a possibility in this economic climate. As a result, this industry, which is a part of the national security industrial base, supports thousands of highly skilled jobs, and is critical to the industrial fabric of our nation, is struggling to survive.

Since the economic downturn, shipyards such as the Aker Philadelphia Shipyard do not qualify for loan guarantees under existing programs at the Department of Transportation. Without assistance, shipyards will be forced to begin reducing their highly skilled workforce, apprentice programs, and vendor and supplier contracts, at a time when we can least afford additional job losses. If this situation persists and companies like Aker were to cease operations, our nation's ability to construct commercial vessels would be severely limited and the investments we made to build this state-of-the-art facility would be lost.

At the same time, there is a strong and direct correlation between the performance of shipbuilding and the global economy and trade. Shipbuilding activities rise when global trade and the economy grow. Likewise, shipbuilding will be among the first activities to suffer when trade slumps and the economy stutters. This puts shipbuilding at the forefront of one of the world's key and most important economic activities, and a reliable barometer of economic performance.

As the economy recovers, so will the need for ships and our domestic shipbuilding capacity. The Maritime Administration has recognized that construction of vessels for the Nation's marine highway system could result in significant new opportunities for U.S. shipyards. The shipbuilding industry is also developing vessel portfolios that can be leveraged by the government including military vessels to meet the nation's needs in time of national emergency. For example, the Navy's Littoral Combat Ship and Joint High Speed Vessel programs are based on commercially designed and available vessels. There will also be a need for additional ships as almost \$5 billion worth of double hull construction and conversion work will need to take place by 2015 to meet the double hull requirement under the Oil Pollution Act of 1990.

To address the dire situation facing the domestic shipbuilding industry, I am seeking the establishment of a loan guarantee program, where the Secretary of Transportation can issue a loan guarantee for \$165 million to qualifying shipyards. Because loan guarantees leverage funding, the program would require only \$15 million to leverage \$165 million. This \$15 million is offset by reprogramming previously appropriated funds, so there is no additional spending associated with this program.

The federal assistance would be a short-term financing "bridge" to enable shipyards to remain in operation and meet the future anticipated demand for domestically produced ships. I encourage my colleagues to help maintain the commercial shipbuilding capacity of the United States through the inclusion of a loan guarantee program.

Mr. SPECTER. It is my intent to offer this amendment when the time is right. I know the distinguished majority leader is now arranging a schedule of pending amendments for votes. So I will not offer it at this time but will seek to have all of the relevant record and all of the relevant information included in the RECORD as I have stated.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, the legislation on the floor of the Senate is the FAA reauthorization bill. Senator ROCKEFELLER is here, Senator HUTCHISON has been here, and we are working now, trying to find a way to move the legislation. It has attracted a lot of amendments that have nothing at all to do with the subject. It is as if some believe this is not urgent or important. Of course, nothing could be further from the truth. There is an urgency to this legislation.

I know it is not, perhaps, the highest profile legislation in the Congress these days, but we have a requirement to reauthorize the activities of the FAA. We have now failed to do that and instead had to extend their authorization 11 successive times. But because we extend it, we then do not improve the authorization and do the things that are necessary for improving airline safety, the things that are necessary to include the passenger bill of rights which is in this bill, airport improvement funds, and particularly modernization of the air traffic control system.

I mentioned yesterday the urgency of moving on what is called NextGen; that is, next-generation air traffic control.

In this country, we now fly to ground-based radar. We have all of these airplanes in the sky. Most of them have a transponder or something that puts a mark on a controller's screen somewhere in an air traffic control sector, and it says, this is where the airplane is. Well, that is technically right at that nanosecond, that is where the airplane is, but instantly thereafter the airplane is somewhere else, and for the next 7 seconds or so, as the sweep of the radar occurs, that airplane, particularly if it is a jet, is long gone from that little spot. So because we do not know exactly where the airplane is—we know about where the airplane is—we have routes that are flown that are much less direct than they should be. We use more fuel than we should. Rather than have direct flights, we cost the passengers time and we pollute the air by keeping that airplane in the sky longer because we cannot fly direct routes because we do not fly by GPS. Our children can operate by GPS with their cell phones, but we cannot fly or we do not fly a system of GPS. We fly a system of ground-based radar for our navigation, and that has been around forever.

I mentioned yesterday the circumstances of being able to control air traffic in this country. When people began to learn how to fly and they started flying airplanes and figured out they could make money by carrying the mail, they could only do that when the Sun was up because they could not figure out how to fly at night. So they started building bonfires, and then they would fly to a bonfire, put a big-



old bonfire out there 50 miles away and fly to a bonfire and then land. Then they put up light stanchions with the lights into the air so they could fly toward the lights. Then they invented radar. Then they fly based on and guided by ground-based radar.

But we are way beyond ground-based radar right now. That is what we still use. But you do not drive a car out here with ground-based radar; you drive a car with GPS. Talk about all of the people who are driving their vehicles using this little monitor—that is GPS. Your kids have GPS on their cell phones, but if you are on a 757 with 250 people behind the cockpit flying from Washington, DC, to Seattle, you are not flying by GPS because they do not have the technology, they do not have the equipment in the planes, in most cases, and they do not have the capability on the ground through the FAA to convert from ground-based radar to GPS and something called Next Generation, modernization of the air traffic control system.

If we pass this legislation, finally, at long last, we will move in that direction aggressively. I have met with the Europeans and others who are moving aggressively on Next Generation, and we just keep extending—11 times—the FAA reauthorization bill.

So we bring it to the floor. It includes safety, which I will talk about in a moment, it includes investment in the airport infrastructure in this country, which means jobs, putting people back to work. But we bring the bill to the floor at long last, I think 3 years after it should have been done but we could not do it because it got extended.

Now we have amendments that have nothing at all to do with this—earmark moratoriums, discretionary spending limits, school vouchers for Washington, DC, coastal impact programs for drilling. They do not have the foggiest thing to do with the bill that is on the floor of the Senate, which is why it is so hard to get things done.

I have often said, you know, the difference between a glacier and the Senate is at least you can see a glacier move from time to time. It is so hard to get things done. And this is a demonstration of it right now. People come trotting to the floor of the Senate and say: Oh, we are working on aviation safety. You know what. Why don't I offer an amendment on something that has nothing to do with it at all and then go back to my office. It is unbelievable to me.

Let me talk for a moment about safety because that also represents the urgency in this bill.

I chaired the hearing—several of them now—on the tragic crash that occurred in Buffalo, NY, 1 year ago. It took 50 lives—the captain, the copilot, flight attendants, passengers, and 1 person died on the ground. This is a case where, when we investigate it, as we have, a lot of things went wrong. We have a very safe system, very few accidents, but if you investigate what

happened that night flying into Buffalo, NY, you understand we are not far away from another accident unless we fix some of these things.

Here is a Dash 8 airplane, propeller airplane, flying at night in icy conditions in the winter, about to land in Buffalo, NY.

Here is what we have learned. I don't know whether it is just this case, just this cockpit, just this airplane, but I doubt it. What we learned is the captain of the plane had not slept in a bed 2 nights previous. The copilot had not slept in a bed the night before. Two people in the cockpit had not slept in a bed the night before the flight. Why? The copilot flew from Seattle all the way to Newark to be at the duty station because that is where she went to work. She flew all night long on a plane that stopped in Memphis to get to the duty station. This is a young woman making between \$20,000 and \$23,000 a year in salary. Do we think a young pilot making \$20,000 or \$23,000—which raises another question about compensation, low compensation—do we think that person, if that person travels all night, is going to have the money to pay for a hotel? I don't think so. Two people in that cockpit flying at night in the winter with icing conditions.

We now know that what are supposed to be sterile conditions in the cockpit, speaking only below 10,000 feet and only about what is happening with that airplane, that sterile condition was violated repeatedly, talking about other things, careers and so on. We know now there was a training deficiency with respect to the issue of the stick push and the stick shaker which engaged when the icing became significant. We now know that the most wanted list of airline safety requirements from the NTSB, they have had on their most wanted list several things that deal with fatigue, with icing that have been there for 10, 15 years. All of these things come together and raise questions about how do you fix this, how do you make sure this doesn't happen again.

I am not suggesting that regional airlines are unsafe, although I think evidence suggests that the most recent crashes have been regional carriers. There are questions about the number of hours required to be able to sit in the right seat on a regional carrier. There are questions about whether the majors that hire a regional carrier to carry passengers have some responsibility for that. I believe they should. But when someone gets on a regional carrier, which carries 50 percent of the passengers in the country, all they see is the fuselage and the marking that says United, Continental, Delta, USAIR. That is all they see. But that may not be the company that is transporting them. It may be a very different company, a regional airline company.

The question is, that trunk carrier whose brand exists on the fuselage,

have they required the same set of standards? Is there one level of safety? That is a requirement dating back at the time in the mid-1990s, one level of safety. When you step on an airplane, you should have the opportunity to believe that in that cockpit, on that plane, with the training and so on, there is one level expected. I think this crash in Buffalo raises serious questions about whether that exists.

I had a chart that describes a combination of a couple of issues. One is duty time. The other is fatigue. The third is commuting. In this case, with this tragedy, I want to show what has occurred. It requires us to address this issue. I want to show a chart that shows Colgan Air pilots. This could be a chart of virtually any airline, the major carriers or the regional carriers. What it shows is where the Colgan pilots were commuting from in order to get to the work station at Newark, living in Seattle, Portland, Los Angeles, San Francisco, and commuting to work all the way across the country. It is not unusual. Commuting has been going on for a long time. But the issue of commuting is a reasonable issue for us to try to understand and do something about.

It also relates to the issue of fatigue. Do you think in that cockpit on that airplane, with a pilot who hadn't slept in a bed for 2 nights and a copilot that hadn't slept in a bed the night previous, there was not fatigue? It seems pretty unlikely that that group was not fatigued. We don't in this bill address the issue of commuting. Randy Babbitt, the FAA Administrator, now has sent to OMB a rulemaking on fatigue which is important.

My point is, this crash, this tragedy a year ago raised so many questions. You can make the point that this is a very safe system. All of us fly all the time. Most every weekend we get on airplanes believing that we are being transported safely. I am not trying to scare anybody to say that is not the case. I am saying you can decide to ignore some of the things we have discovered about the Colgan crash, but we do that at our risk, at the risk of reducing that margin of safety.

Here is what a pilot said in a Wall Street Journal article on the subject. This is an 18-year veteran pilot describing the routine of commuter flights with short layovers in the middle of night: Take a shower, brush your teeth, then pretend you slept.

An important issue for those who fly airplanes, an important issue in terms of the question, are pilots fatigued? This shows a pilot watching a movie on his computer at a crash house in Sterling Park, VA. It houses up to 20 to 24 occupants and is designed to give flight crews from regional airlines a quiet place to sleep near their base. Many can't afford hotels.

The copilot made between \$20,000 and \$23,000 a year. That was her salary. She had a part-time job working at a coffee shop. She got on the airplane in Seattle to fly to Newark to begin her

workday because that is where her duty station was. She flew all night long to do it. The fact is, crews who are making that amount of money, particularly those who are flying right seat in an airplane, did not have the funding to get a motel room.

My point is, Senator ROCKEFELLER and I and others have worked on this FAA reauthorization bill to try to address a wide range of issues. This is one, the issue of safety.

In addition, the captain of this plane had failed a number of different exams along the way to getting accredited. But the airline that hired the pilot was not able to have the information to understand that. This legislation changes that. This airline has said: Had we known about the failure of those exams, this pilot would not have been hired. But he was because the company didn't know. This legislation fixes that. If you want to hire a pilot, you know everything there is to know about the record of that pilot.

My point is, Senator ROCKEFELLER and I, Senator HUTCHISON and others, have brought this bill to the floor of the Senate at long last hoping that perhaps we can get a bill passed. There is an urgency here with respect to safety and other things. I hope Senator ROCKEFELLER and others can expect some cooperation. It is very hard to get cooperation here on the floor of the Senate, but if ever there is something we might decide to cooperate on, how about making certain there is an extra margin of safety in the skies by passing legislation that addresses, among other issues, aviation safety. If we do that, we will give the American people some measure of confidence on this important subject.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 3475.

Mr. ROCKEFELLER. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCAIN. I understand that is the process right now. However, I will discuss the amendment. It is very simple. It would place a moratorium on all earmarks in years in which there is a deficit. I am pleased to be joined in this effort by my good friend from Indiana Senator BAYH. I thank him for his leadership and courage.

I am sure I don't need to remind my colleagues about our Nation's fiscal situation. But let's review the facts anyway. This morning the Treasury Department announced that the government racked up a record high monthly budget deficit of \$220.9 billion last month. We now have a deficit of over \$1.4 trillion and a debt of over \$12.5 trillion. I recently have seen a bumper sticker in Arizona that says: Please don't tell the President what comes after a trillion.

Unemployment remains close to 10 percent. According to Forbes.com, a

record 2.8 million American households were threatened with foreclosure last year. That number is expected to rise to well over 3 million homes this year. Even with all of this, we continue to spend and spend and spend. Every time we pass an appropriations bill with increased spending loaded up with earmarks, we are robbing future generations of their ability to obtain the American dream. I believe that is immoral. That is why I have been pleased and somewhat surprised over the last several days to hear about the renewed bipartisan interest in banning earmarks. I am thankful for the attention. I welcome the Democratic House leadership to the fight against earmarks.

According to today's Washington Post:

Facing an election year backlash over runaway spending and ethics scandals, House Democrats moved Wednesday to ban earmarks for private companies, sparking a war between the parties over which would embrace the most dramatic steps to change the way business is done in Washington.

I applaud the Democrats in the other body for this step. It is a small step, but it is a step in the right direction. As House Appropriations Committee Chairman OBEY pointed out, the fiscal year 2010 budget included more than 1,000 earmarks for private companies. So the effect of the moratorium proposed by the other body would be a reduction of about 1,000 earmarks. The problem with this is that there were over 9,000 earmarks loaded onto just one of the bills we passed last year.

According to Taxpayers for Common Sense, last year's earmarks funded by Congress but not requested by the administration totaled \$15.9 billion. So we spent \$15.9 billion on earmarks while we are facing the highest national debt in history. Additionally, according to today's Congressional Quarterly, "there are several significant catches" to the House Democrats' earmark moratorium. They note:

If a program is not formally considered an earmark, according to congressional rules, for instance, it could escape any ban. Billions of dollars in spending for the defense industry could end up slipping through that caveat alone, analysts say.

So why am I not surprised. Thankfully, the House Republican caucus recognized the fact that the Speaker's proposal did little to seriously address the problem so they upped the ante and voted unanimously to impose an across-the-board earmark ban on their conference. I congratulate Mr. BOEHNER and especially Congressman FLAKE of Arizona for taking this bold step. It was the right thing to do.

Unfortunately, this newfound zeal for attacking earmarks is not shared by their Senate counterparts. According to today's Congressional Quarterly:

Senate Democrats signal that they would not follow suit, even as senior House Republicans responded that all earmarks should be banned.

Congressional Quarterly also noted:

It is not clear where Majority Leader Harry Reid stands. His office declined to

comment on the House appropriations move. But the Senate appropriators' opposition does not bode well for a ban's prospects in that body.

Again, I am not surprised. The Washington Post article I cited earlier also noted that:

The latest earmark reform efforts follow a wave of investigations focusing on House appropriators' actions. The Justice Department has looked into the earmarking activities of several lawmakers and, relying on public documents, the House Ethics Committee investigated five Democrats and two Republicans on the Appropriations defense subcommittee, finding that the lawmakers steered more than \$245 million to clients of a lobbying firm under federal criminal investigation.

The lawmakers collected more than \$840,000 in political contributions from the firm's lobbyists and clients in a little more than two years.

The battle over earmarks has been waged over many years—I have been engaged in it for 20 years—and I am under no illusions that it will end anytime soon. I was encouraged in January 2007 when the Senate passed, by a vote of 96 to 2, an ethics and lobbying reform package which contained, meaningful earmark reforms. I believed that at last we would finally enact some effective reforms. Unfortunately, that victory was short lived.

In August 2007—some 8 months later—we were presented with a bill containing very watered-down earmark provisions and doing far too little to rein in wasteful earmarks and porkbarrel spending. I find myself encouraged by what I have heard over the last several days, but I have been around here long enough to know not to get my hopes up. I do not look at this as being cynical, just practical.

Let's take a look at some of the things we have spent hundreds of billions of taxpayers' dollars on over the last several years: \$165,000 for maple syrup research in Vermont; \$150,000 for the Polynesian Voyaging Society in Honolulu; \$250,000 for turtle observer funding; \$500,000 for the Bellevue Arts Museum in Washington; \$2 million for the algae research in Washington; \$500,000—one of my all-time favorites; it comes back all the time—to the National Wild Turkey Federation in Nebraska; \$799,000 for soybean research; \$349,000 for pig waste management in North Carolina; \$819,000 for catfish genome research in Alabama; \$250,000 for gypsy moth research in New Jersey; \$1 million for potato research at Oregon State University—and the list goes on—a \$250,000 earmark for the Iowa Vitality Center at Iowa State University. The list goes on and on.

For over 20 years, I have fought vigorously against the wasteful practice of earmarking. The fight has been a lonely one and has not won me friends in this town over the years. But it is an important fight, and I am confident that, in the end, the opponents of this practice will be victorious. The corruption which stems from earmarking has resulted in current and former Members of both the House and the Senate

either under investigation, under indictment, or in prison.

Again, I was pleased to see that the Speaker of the House and the chairman of the House Appropriations Committee have recognized earmarks for what they are: a corrupting influence that should not be tolerated in these times of fiscal crisis—or ever. I applaud my Republican colleagues in the House and Senate, especially Senators COBURN and DEMINT, who have called for a yearlong moratorium on all earmarks. I fully support and join them in those efforts.

But I also think we need to do more. We need a complete ban on earmarks until our budget is balanced and we have eliminated our massive deficit. This amendment, if considered—and I will make it considered at one point or another—will have a proposal to do just that, and I encourage my colleagues to join me in this effort. It is what the American people want, and we have an obligation to give it to them.

We, as Members of Congress, owe it to the American people to conduct ourselves in a way that reinforces, rather than diminishes, the public's faith and confidence in Congress. An informed citizenry is essential to a thriving democracy, and a democratic government operates best in the disinfecting light of the public eye. By seriously addressing the corrupting influence of earmarks, we will allow Members to legislate with the imperative that our government must be free from corrupting influences, both real and perceived. We must act now to ensure that the erosion we see today in the public's confidence in Congress does not become a complete collapse of faith in our institutions. We can and we must end the practice of earmarking.

I have traveled around the country and all around my home State of Arizona. I have seen the Tea Party participants. I have met citizens in my State who have never ever been involved in the political process before. They are angry, they are frustrated, and they want change. They want the change that was promised them last November, which they have not gotten. They want us to act as careful stewards of their tax dollars.

Just the other night, my colleague from Arizona, Senator KYL, and I were on a teleconference call to the citizens of our State, and many thousands of them were on the call, and we responded to their questions. A guy on the phone—he was from Thatcher, AZ—said: I've never been involved nor cared much about politics before. But you have gotten me off the couch.

"You have gotten me off the couch." We have lots of people "off the couch" because they are saying: Enough. They are saying: Enough of a \$1.4 trillion debt this year and an increase in that debt for next year of some \$1.5 trillion and an accumulated debt of \$12.5 trillion. They believe we have spent too much and we have taxed too much.

So I hope we can send a message by completely banning earmarks and go through the appropriate process for the funding of sometimes much needed projects; that is, the authorization and then appropriation route. Many people believe I am saying—I and those of us who oppose earmarks—that we are against any projects for anyone's State or much needed help.

It is not the case. What we are saying is that we want any project and expenditure of taxpayers' dollars authorized and then appropriated. That way, by authorizing, the authorizing committees can compare all the virtues or the necessities of every project and match them up against one another rather than an appropriation being added in the middle of the night that is directly related to a position on the Appropriations Committee or a position of influence rather than merit. We cannot afford to continue that practice which has led to the anger and cynicism of the American people, and also has led over time to the investigation, sometimes indictment, and even incarceration of Members of Congress in Federal prison.

So I urge my colleagues to now stand up and do the right thing; that is, to ban the earmarks, at least until we can tell the American people we have eliminated this debt we have laid on our children and our grandchildren.

I say to the distinguished chairman of the committee, I did have an amendment on bicycle storage facilities, and one other. Perhaps at the appropriate time—I will be glad to brief the chairman and his staff—it would be appropriately in order.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Madam President, a primary emphasis I have put into this Federal aviation bill over the last number of years is modernizing our air traffic control system. I have heard myself talk about it so much that I am tired of listening to myself. But, on the other hand, I am not sure other people have heard it enough, it is so important.

One way of explaining it is that most cars use a more sophisticated global positioning system than do our air carriers, our legacy airlines. That is kind of pathetic and it has to end. The only way we can do that is by modernizing the air traffic control system. It is doable. There is money in the bill to do it on an annual basis. It should be completed by the year 2025. In fact, it has already begun. In one of the Gulf States, it is completed and they are using it. Mongolia is using it, and we just would think it is not too much to

ask to catch up to Mongolia on air traffic control.

We have a very safe air system, but it is not safe enough. By that I mean we move 30,000 flights a day in America. More than half of all the air traffic in the world is American. Nearly 700 million people per year use our airplanes. So how you position airplanes and how you guide them and how they know where they are and where they are going and how they can most quickly and safely get there is very important.

The FAA's recent forecasts say there will be probably a 50-percent increase in the foreseeable future. That will be well over 1 billion passengers per year. But we are already stretched too thin in the air traffic control system that we have, which is antiquated and which is owned by no other industrialized country in the world, obviously, including Mongolia, which probably is not fully industrialized.

So the Next Generation Air Transportation System—and the word for it is NextGen; we just use that word—will create the capacity, will save us millions of dollars, it will help clean up our air because airplanes will be able to go from one place to the other because they will be able to see in real time what the weather patterns are, where other planes are. It will help the air traffic controllers on the ground position them. Airplanes will be able to fly more closely to each other's tail, so to speak. In all ways, it will be much more efficient, much more manageable—all in real time. We do it with our automobiles, and we ought to be able to do it with planes.

It is very good environmentally, which to the Presiding Officer, the Senator from New Hampshire, may sound like a reasonable prospect. Jet fuel is not inexpensive, and it is not carbon free. This will produce a lot less carbon emissions. It will also lower another kind of emission, which is noise, which affects people, and not just in this city but everywhere.

Most importantly, NextGen will dramatically improve safety, and that is the whole point. It will provide pilots and air traffic controllers with better situational awareness. It is what we do for our troops, it is what we do for ourselves, and we need to do it for our airplanes.

If you can see weather maps in real time—and you just know airplanes are going this way and that way to avoid what they visually see in the way of clouds or rain or whatever—if they can get it in real-time GPS, then they can cut right through and go from point to point much quicker.

So our bill, S. 1451, takes a lot of steps right away to do that. We will be spending \$500 million a year—that is in the bill—on this. We expect it to be finished by 2025. It seems like a long time. We are not going to pay for all of it. We are going to ask the airlines to pay for equipage, which is their electronic response to what is on the ground, which is what we will pay for. Obviously,

every airplane will have to have that. They will want to do that. They will not like paying for it, but they will not like not having it when everybody else does.

The bill takes further steps to make certain about NextGen. This is one of those items that does not sound very good, but if it is done properly, it will be very good. We create an air traffic control modernization oversight board within the FAA, and they will be active. We establish a chief NextGen officer at the FAA. That is a person and a group to be responsible simply for seeing that progress is on schedule, pushing people who have to be pushed, and we will include representatives of Federal employees in the planning of the NextGen projects. It is appropriate that we include people who fly airplanes in this.

So we need to begin implementing this technology now, and we need to get to the day when we can know we are as safe as we are in our car. Actually, I am not sure that is the right encouraging statement, but it is dangerous up there and we take a lot of chances. I have been in an airplane that was struck by lightning, a single-engine plane with one pilot. I did a lot of praying, and here I am.

Senator DORGAN was speaking about safety. The grieving families from flight 3407, that accident in Buffalo, NY, are never to be forgotten, and we can never allow a tragedy such as that to happen again. That is the problem when you have commuter airlines. Fifty percent of all our air traffic is now commuter airlines. As I am sure the Presiding Officer understands, in West Virginia and New Hampshire, we don't get—you get a lot more than we do of major jet flights. We don't get those very much. So we make do with the propellers, and I squeeze my 6-foot-7 frame as best I can usually next to the exit door because there is more room there.

But that accident in Buffalo, NY, was avoidable. It didn't have to happen, and it shouldn't ever happen again. We have an important opportunity to make serious changes, and we need to make sure these changes put safety first. Safety is always the No. 1 consideration.

So a few ideas. Our bill includes measures to strengthen the Nation's aviation safety system and takes great strides to promote something called one level of safety. As I stand here speaking to the Presiding Officer, I can't believe that one level of safety is going to be achieved within 6 months, but that is the objective of the bill—that nobody gets to be more safe than somebody else.

When the Senator from North Dakota was talking about—and this is airline pilot folks. They pay their senior people a great deal. But if you pay somebody who did not land in Buffalo, NY, in that tragic flight, he was being paid between \$20,000 and \$25,000. Neither the Presiding Officer's State nor

mine pay teachers that little. It is shocking. It is absolutely shocking that an airline pilot would be subject to those wages and, therefore, can't stay in a motel overnight and, therefore, may go one or two nights without sleep and then fly a plane. We can't do that. We can't allow that. That is why we want to get to this bill, and we ought to pass this bill instead of waiting year after year and postponing it 11 times, as we have, by extending the authorization.

So in recent years we actually have seen the safest period in aviation history, even with the busiest system in the world. The air traffic controllers oversee over 30,000 flights a day—I think it is closer to 36,000 flights a day—and, again, 800 million people each year. But there are ways we can do better. Our passengers and the dedicated airline workforce deserve better.

As chairman of the Commerce Committee and as former chairman of the Aviation Subcommittee for more than 10 years—I have been into this a lot—I appreciate the work Senator DORGAN, who is now chairman of the Aviation Subcommittee, has done to continue to focus on safety, using flight 3407 that crashed in Buffalo as his sort of emotional touch point but simply driving and driving and driving—we have had actually eight safety hearings in the committee since that time, since that accident.

One could say, well, so what. But that is what galvanizes us. That is what allows us to put together a better safety section in this bill which, in fact, we have done.

So in the bill, we strengthen greatly the training and certification of commercial aviation pilots, two vague words with two very sharp meanings.

Our bill requires the FAA to reevaluate pilot training and qualifications and issue a new rule to make certain flight crew members have the proper skills and experience. They either do or they don't. They have to be evaluated, and if they don't make it, they are out. I don't know what the union will say about that, but that is what we have to do. If the FAA fails to do this and so by the end of 2011, then all air carrier pilots must have at least 1,500 flight hours, and now it would be more at the 800 level. In other words, that is a jolt. That is a real stick which we are holding out there in this bill to make them better in their certification and the rest of it.

We focus a lot on pilot fatigue. That is a human phenomenon, but it is a dangerous one if you are flying an airplane. It requires the FAA to revise the flight and duty time regulations for commercial airline pilots and issue the final rule within 1 year. No, that is not tomorrow but within 1 year, they will have a schedule that will hopefully stop this kind of thing, where pilots fly in from San Francisco, don't get any sleep, have to sleep in a little bunk house.

We also require some other key changes. We require an electronic data-

base that the FAA must develop and that carriers must consult to obtain a full picture of a pilot's experience and skills before giving them such enormous responsibility. They have to pass that database examination.

The FAA will also require air carriers to implement a formal remedial training program for underperforming pilots. The underperforming is a hard thing to evaluate, but it is doable, and the remedial training is not hard to do. That is just time in simulated cockpits or in real cockpit situations.

In conclusion, we all must understand the reality we are living with; that our utmost priority is always safety, but that is easier said than accomplished. The National Transportation Safety Board recently determined pilot error was the primary cause of that accident in Buffalo, flight 3407. To put it even more clearly, this tragedy simply did not have to happen and could have been avoided, and by passing this bill, we can do more to make sure we don't repeat that kind of history.

Safety is always important. I don't know of anyplace where it is more important than in the skies.

I thank the Presiding Officer. I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3453, AS MODIFIED

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that the Sessions amendment No. 3453 be modified with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3453), as modified, is as follows:

At the end, insert the following:

**SEC. 01. DISCRETIONARY SPENDING LIMITS.**

(a) IN GENERAL.—Title III of the Congressional Budget Act of 1974 is amended by inserting at the end the following:

“DISCRETIONARY SPENDING LIMITS

“SEC. 316. (a) DISCRETIONARY SPENDING LIMITS.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, or conference report that includes any provision that would cause the discretionary spending limits as set forth in this section to be exceeded.

“(b) LIMITS.—In this section, the term ‘discretionary spending limits’ has the following meaning subject to adjustments in subsection (c):

“(1) For fiscal year 2011—

“(A) for the defense category (budget function 050), \$564,293,000,000 in budget authority; and

“(B) for the nondefense category, \$529,662,000,000 in budget authority.

“(2) For fiscal year 2012—

“(A) for the defense category (budget function 050), \$573,612,000,000 in budget authority; and

“(B) for the nondefense category, \$533,232,000,000 in budget authority.

“(3) For fiscal year 2013—

“(A) for the defense category (budget function 050), \$584,421,000,000 in budget authority; and

“(B) for the nondefense category, \$540,834,000,000 in budget authority.

“(4) With respect to fiscal years following 2013, the President shall recommend and the Congress shall consider legislation setting limits for those fiscal years.

“(c) ADJUSTMENTS.—

“(1) IN GENERAL.—After the reporting of a bill or joint resolution relating to any matter described in paragraph (2), or the offering of an amendment thereto or the submission of a conference report thereon—

“(A) the Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, the budgetary aggregates in the concurrent resolution on the budget most recently adopted by the Senate and the House of Representatives, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, by the amount of new budget authority in that measure for that purpose and the outlays flowing there from; and

“(B) following any adjustment under subparagraph (A), the Senate Committee on Appropriations may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this subsection.

“(2) MATTERS DESCRIBED.—Matters referred to in paragraph (1) are as follows:

“(A) OVERSEAS DEPLOYMENTS AND OTHER ACTIVITIES.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013, that provides funding for overseas deployments and other activities, the adjustment for purposes paragraph (1) shall be the amount of budget authority in that measure for that purpose but not to exceed—

“(i) with respect to fiscal year 2011, \$50,000,000,000 in new budget authority;

“(ii) with respect to fiscal year 2012, \$50,000,000,000 in new budget authority; and

“(iii) with respect to fiscal year 2013, \$50,000,000,000 in new budget authority.

“(B) INTERNAL REVENUE SERVICE TAX ENFORCEMENT.—

“(1) IN GENERAL.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013, that includes the amount described in clause (ii)(I), plus an additional amount for enhanced tax enforcement to address the Federal tax gap (taxes owed but not paid) described in clause (ii)(II), the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative not exceeding the amount specified in clause (ii)(II) for that fiscal year.

“(ii) AMOUNTS.—The amounts referred to in clause (i) are as follows:

“(I) For fiscal year 2011, \$7,171,000,000, for fiscal year 2012, \$7,243,000,000, and for fiscal year 2013, \$7,315,000,000.

“(II) For fiscal year 2011, \$899,000,000, for fiscal year 2012, and \$908,000,000, for fiscal year 2013, \$917,000,000.

“(C) CONTINUING DISABILITY REVIEWS AND SSI REDETERMINATIONS.—

“(1) IN GENERAL.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013 that includes the amount described in clause (ii)(I), plus an additional amount for Continuing Disability Reviews and Supplemental Security Income Redeterminations for the Social Security Administration described in clause (ii)(II), the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative not exceed-

ing the amount specified in clause (ii)(II) for that fiscal year.

“(i) AMOUNTS.—The amounts referred to in clause (i) are as follows:

“(I) For fiscal year 2011, \$276,000,000, for fiscal year 2012, \$278,000,000, and for fiscal year 2013, \$281,000,000.

“(II) For fiscal year 2011, \$490,000,000; for fiscal year 2012, and \$495,000,000; for fiscal year 2013, \$500,000,000.

“(iii) ASSET VERIFICATION.—

“(1) IN GENERAL.—The additional appropriation permitted under clause (ii)(II) may also provide that a portion of that amount, not to exceed the amount specified in subclause (II) for that fiscal year instead may be used for asset verification for Supplemental Security Income recipients, but only if, and to the extent that the Office of the Chief Actuary estimates that the initiative would be at least as cost effective as the redeterminations of eligibility described in this subparagraph.

“(II) AMOUNTS.—For fiscal year 2011, \$34,340,000, for fiscal year 2012, \$34,683,000, and for fiscal year 2013, \$35,030,000.

“(D) HEALTH CARE FRAUD AND ABUSE.—

“(1) IN GENERAL.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013 that includes the amount described in clause (ii) for the Health Care Fraud and Abuse Control program at the Department of Health & Human Services for that fiscal year, the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative but not to exceed the amount described in clause (ii).

“(ii) AMOUNT.—The amount referred to in clause (i) is for fiscal year 2011, \$314,000,000, for fiscal year 2012, \$317,000,000, and for fiscal year 2013, \$320,000,000.

“(E) UNEMPLOYMENT INSURANCE IMPROPER PAYMENT REVIEWS.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013 that includes \$10,000,000, plus an additional amount for in-person reemployment and eligibility assessments and unemployment improper payment reviews for the Department of Labor, the adjustment for purposes paragraph (1) shall be the amount of budget authority in that measure for that initiative but not to exceed—

“(i) with respect to fiscal year 2011, \$51,000,000 in new budget authority;

“(ii) with respect to fiscal year 2012, \$51,000,000 in new budget authority; and

“(iii) with respect to fiscal year 2013, \$52,000,000 in new budget authority.

“(F) LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM (LIEHAP).—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013 that includes \$3,200,000,000 in funding for the Low-Income Home Energy Assistance Program and provides an additional amount up to \$1,900,000,000 for that program, the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative but not to exceed \$1,900,000,000.

“(d) EMERGENCY SPENDING.—

“(1) AUTHORITY TO DESIGNATE.—In the Senate, with respect to a provision of direct spending or receipts legislation or appropriations for discretionary accounts that Congress designates as an emergency requirement in such measure, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision shall be treated as an emergency requirement for the purpose of this subsection.

“(2) EXEMPTION OF EMERGENCY PROVISIONS.—Any new budget authority, outlays, and receipts resulting from any provision designated as an emergency requirement, pursuant to this subsection, in any bill, joint

resolution, amendment, or conference report shall not count for purposes of this section, sections 302 and 311 of the Congressional Budget Act of 1974, section 201 of S. Con. Res. 21 (110th Congress) (relating to pay-as-you-go), and section 311 of S. Con. Res. 70 (110th Congress) (relating to long-term deficits).

“(3) DESIGNATIONS.—If a provision of legislation is designated as an emergency requirement under this subsection, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in paragraph (6).

“(4) DEFINITIONS.—In this subsection, the terms ‘direct spending’, ‘receipts’, and ‘appropriations for discretionary accounts’ mean any provision of a bill, joint resolution, amendment, motion, or conference report that affects direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

“(5) POINT OF ORDER.—

“(A) IN GENERAL.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

“(B) SUPERMAJORITY WAIVER AND APPEALS.—

“(i) WAIVER.—Subparagraph (A) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

“(ii) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this paragraph shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph.

“(C) DEFINITION OF AN EMERGENCY DESIGNATION.—For purposes of subparagraph (A), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this paragraph.

“(D) FORM OF THE POINT OF ORDER.—A point of order under subparagraph (A) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

“(E) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this paragraph, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

“(6) CRITERIA.—

“(A) IN GENERAL.—For purposes of this subsection, any provision is an emergency requirement if the situation addressed by such provision is—

“(i) necessary, essential, or vital (not merely useful or beneficial);

“(ii) sudden, quickly coming into being, and not building up over time;

“(iii) an urgent, pressing, and compelling need requiring immediate action;

“(iv) subject to clause (ii), unforeseen, unpredictable, and unanticipated; and

“(v) not permanent, temporary in nature.

“(7) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

“(e) LIMITATIONS ON CHANGES TO EXEMPTIONS.—It shall not be in order in the Senate or the House of Representatives to consider any bill, resolution, amendment, or conference report that would exempt any new budget authority, outlays, and receipts from being counted for purposes of this section.

“(f) POINT OF ORDER IN THE SENATE.—

“(1) WAIVER.—The provisions of this section shall be waived or suspended in the Senate only—

“(A) by the affirmative vote of two-thirds of the Members, duly chosen and sworn; or

“(B) in the case of the defense budget authority, if Congress declares war or authorizes the use of force.

“(2) APPEAL.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the measure. An affirmative vote of two-thirds of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

“(3) LIMITATIONS ON CHANGES TO THIS SUBSECTION.—It shall not be in order in the Senate or the House of Representatives to consider any bill, resolution, amendment, or conference report that would repeal or otherwise change this subsection.”

(b) TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 315 the following new item:

“Sec. 316. Discretionary spending limits.”

Mr. ROCKEFELLER. Madam President, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRANKEN). Without objection, it is so ordered.

#### INTERNATIONAL WOMEN'S DAY

Mrs. SHAHEEN. Mr. President, I rise to express my disappointment, and frankly bewilderment, over the blocking of a resolution to recognize International Women's Day. This week, on Monday, March 8, the world commemorated International Women's Day, a day for people around the world to celebrate the economic, political, and social achievements of women—past, present, and future.

We have made significant progress over the years in advancing women's rights and these should be celebrated.

However, International Women's Day is also a day to recognize how much work there is yet to do in the struggle for equal rights and opportunities.

But last week, I, along with three of our colleagues—Senator CARDIN, Senator GILLIBRAND, and Senator BOXER—submitted a resolution to do that, to recognize and honor those women in the United States and around the world who have worked throughout history to ensure that women are guaranteed equality and basic human rights and to recognize the significant obstacles women continue to face. Our resolution garnered 15 cosponsors from both sides of the aisle, so both our Republican colleagues and Democrats cosponsored this resolution.

I think it is important to note that over the last several years, Congress has unanimously passed similar statements supporting the goals of International Women's Day and encouraging people across the country to observe this important day with appropriate programs and activities.

But this year, while this day was celebrated and recognized around the world, it was not recognized by the Senate. This noncontroversial, bipartisan resolution was blocked and the blocking of this resolution, is inexplicable and indefensible. But, sadly, it is not surprising because obstruction seems to have become a way of doing business around here no matter how innocuous the issue.

Because we were not able to get agreement from the other side in passing this resolution, I would like to read into the RECORD some of the statements that are in the resolution so we can honor, at least in our RECORD, the contributions of women around the world.

Whereas women around the world participate in the political, social, and economic life of their communities and play the predominant role in providing and caring for their families;

... Whereas although strides have been made in recent decades, women around the world continue to face significant obstacles in all aspects of their lives including discrimination, gender-based violence, and denial of basic human rights;

Whereas women are responsible for 66 percent of the work done in the world, yet earn only 10 percent of the income earned in the world;

Whereas women account for approximately 70 percent of individuals living in poverty world-wide;

... Whereas women in developing countries are disproportionately affected by global climate change;

... Whereas according to the Department of State, 56 percent of all forced labor victims are women and girls;

Whereas according to the United Nations, 1 in 3 women in the world will be beaten, coerced into sex, or otherwise abused in her lifetime;

... Whereas, the United Nations theme for International Women's Day 2010 is “Equal rights, equal opportunities: Progress for all”; Now, therefore, be it

Resolved, That the Senate . . .

recognizes and honors the women in the United States and around the world who have worked throughout history to strive to

ensure that women are guaranteed equality and basic human rights;

reaffirms the commitment to end gender-based discrimination in all forms, to end violence against women and girls worldwide; and

encourages the people of the United States to observe International Women's Day with appropriate programs and activities.

That is a brief version of the full resolution, but I think you can tell by what I read, this is a resolution that recognizes the challenges that still face too many women, not only in this country but especially in developing countries around the world. I hope next year when International Women's Day comes around, this body, the Senate, will be willing to recognize that day and recognize what is happening with women across the country and around the world.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I thank Senator SHAHEEN for her leadership on S. Res. 433. I thank her for coming to the floor this evening to explain what this resolution does, that it would have the Senate go on record in support of recognizing March 8 as International Women's Day. I appreciate Senator SHAHEEN reading into the RECORD what is included in this resolution. The resolution supports the goals of International Women's Day. It recognizes that the economic growth and empowerment of women is inextricably linked with the potential of nations to generate economic growth in sustainable democracies. It recognizes the women in the United States and around the world who have worked throughout history to strive to ensure that women are guaranteed equality and basic human rights. It reaffirms the commitment to end gender-based discrimination in all forms, to end violence against women and girls worldwide, and encourages the people of the United States to observe International Women's Day with appropriate programs and activities.

I think it is important, as Senator SHAHEEN has done, to point out we have not been able to adopt this resolution because of the objection of a Senator. This should have been done. There is nothing controversial in this resolution. It has 15 cosponsors. It is bipartisan.

But most important, it points out a very important fact about women around the world; that is, that they are being discriminated against; they are being abused; they are being treated unjustly, and we should go on record as to what we need to do in order to recognize that fact. It is beyond dispute. These are the facts. These are facts stated by respected international organizations about how women and girls are abused.

We know about the trafficking of young women and girls. We know about the lack of maternal health care. We know about the lack of health care for children. We know about the discrimination in education. In Sub-Saharan



Africa, only 17 percent of girls are enrolled in secondary schools. We know about that. We know about the abuses in the workforce, the fact that Senator SHAHEEN mentioned—66 percent of the work done by women and only 10 percent of the income. These are facts, and we know we need to go on record to say we will not allow this to continue.

I am disappointed we are not going to be able to approve this resolution because of the objections. I think it is an inappropriate use of a Senator's right to object. I think it is important the American people understand that. I thank my colleague from New Hampshire for bringing to the attention of our colleagues in the Senate, bringing to the attention of the American people, that we stand for gender equality. Unfortunately, one Senator is preventing us from passing a resolution that should have been passed unanimously by this body.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

#### TRIBUTE TO KATE PUZEY

Mr. ISAKSON. Mr. President, I rise on a very sad moment for me, but a very poignant moment as well. This morning at 6:30, when I got up in my condominium in Washington, I lit a candle. When I return there this evening, I will relight that candle. If you go on YouTube and look to "Light A Candle for Kate Puzey," you will understand why I lit it, because 12 months ago today, March 11 of last year, Katherine "Kate" Puzey was murdered in Benin, Africa. Two years of volunteer teaching in a school in Benin and she was brutally murdered, her life was taken.

I didn't know Kate Puzey in life, but I have come to know her well in death. When I read the article in the Atlanta newspaper about her death, I was compelled to go to the funeral that day, to a family I did not know in a neighborhood I had not visited. I sat at the back of the church, and I listened for 2 hours to the tributes of young person after young person, minister after minister, teacher after teacher, Peace Corps volunteer after Peace Corps volunteer, talking about this wonderful woman of the world, this wonderful light to the world. Kate Puzey graduated at the top of her class in Cumming, GA, Forsyth County, in high school. She went on to William and Mary College, graduated with distinction and honors, was president of student government in high school, was everything you would like to see in a young person.

But she was not just a citizen of America, she was a citizen of the world.

She cared about the less fortunate. She cared deeply about troubled children. She committed her life to the Peace Corps immediately upon her graduation from college.

She was assigned to Benin, in west Africa. I am on the Africa subcommittee and travel to Africa every year. Last year I was in Rwanda, Tan-

zania, Sudan and Darfur, Kenya. I understand the wonderful work of the Peace Corps volunteers in Africa. They are bringing hope out of despair, love out of tragedy. That was Kate's mission in life.

To listen to those Peace Corps volunteers who served with her—and they came to visit me and tell me about her—she was a shining star for America, she was a shining star for the children of Benin, Africa, she was everything John Kennedy intended the Peace Corps to be around the world when he created it 49 years ago this month.

Tragically, though, Kate was murdered. She was brutally murdered at the hands of an alleged person who is pending trial in Benin now, a person who is alleged to have murdered her because Kate Puzey did what is right. You see, Kate, as a teacher in this school, learned there was an individual who was sexually abusing young African children in Benin.

Benin is not like Washington. You do not pick up the phone and call the main desk and order something; you don't pick up a newspaper and read it; you do not send an e-mail, because it does not exist. To communicate is very difficult.

But Kate, at risk to herself, communicated back to the central office what she had learned was taking place in the abuse of these children. The next day she was murdered at night in her hut.

The trial has not taken place yet. I am never going to convict anybody until they have had their day of justice. But from all the evidence that has been seen, Kate Puzey died because she did what is right. It caused me to think, when I met with her folks a few weeks ago, and listened to their concerns about other young people around the world volunteering in the Peace Corps, that maybe there is something we ought to do as a tribute for the sacrifice of Kate Puzey's life; that is, find a way to provide for these volunteers a protection, such as whistleblowers receive every day in government.

You see, whistleblower protection for those who would report something that is being done wrong keeps them from being abused. But Peace Corps people are not employees, they are volunteers. I met with Aaron Williams not too long ago, the new Director, who is doing a wonderful job at the Peace Corps. He agreed to meet with Kate's parents, Lois and Harry Puzey, who suggested to him some of the things that could be done as a tribute to Kate, and hopefully preventing something like this from ever happening again. I know Aaron Williams is looking at that. I commend him for the investigation he is doing.

CHRISTOPHER DODD from Connecticut, in this body, a Peace Corps volunteer himself many years ago, and I have met. He has some legislation coming soon on the Peace Corps. I spoke to him about incorporating a protection similar to whistleblower protection

that government employees have for these volunteers who are in the Peace Corps, and immediately he seized on the idea, because he recognized what I know: Peace Corps volunteers are not in the luxury spots around the world. They live in danger and with very little support. They live way out, but they live there because they want to help. They want to protect. They want to right the wrongs.

When I travel to Africa every year, in every country I go, I invite Peace Corps volunteers for breakfast or lunch or dinner. I am always struck, first, that it usually takes them a couple of days to get to me, because they have to hitch rides or literally walk, because there is no transportation. I realize how remote their service is. But I also realize how wonderfully received their service is in the countries where they serve. We are blessed as a nation to have had a President who created the Peace Corps. We are blessed as a nation to have 7,600 Americans right now volunteering around the world, 155 of them from my home State of Georgia.

But periodically we face great tragedy. A year ago, Kate Puzey's life was taken away from her and her family, tragically. As sad as that tragedy is, we need to bring hope from that tragedy. From the despair that her family feels, we need to have a sense of love, and the best way to do it is to see to it that we pass legislation to protect or add protection to Peace Corps volunteers for providing information that is critical to be known and protect them from retribution.

I will work with CHRIS DODD on that as a tribute to Kate Puzey, and when I go home tonight, I am going to relight that candle, a candle that pays tribute to the life and the love and the many successes of Kate Puzey.

While taken from us at the age of 24, she has left us with a legacy of everything that is right with America, everything that is right with our youth, everything that is right with the Peace Corps; that is, to deliver the message of hope to people around the world who have no hope, promise to those who have despair and hope for the future of mankind.

I pay tribute to the life of Catherine "Kate" Puzey, of Cumming, GA.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HEALTH CARE

Mr. WHITEHOUSE. Mr. President, more than a year ago I came to the Senate floor to share stories I had heard from Rhode Islanders who are struggling in our broken health care system. Since then I have been here on many occasions continuing to share

those stories and continuing to urge Congress to get to work on legislation to transform our health care system so all Americans can receive the health care they deserve.

Over the past year, with my colleagues in the Senate on the HELP Committee, our colleagues on the Finance Committee—the many colleagues who were active in preparing this legislation and working on the Senate floor—we have worked through differences, ironed out details, and slowly but surely moved toward creating a reformed health care system that will lower costs, cover millions of the uninsured, and deliver the care we need when we need it.

Today, we stand on the brink, on the doorstep, just a few short steps away, from achieving this landmark reform. As we move forward to take those welcome final steps, let's not forget that the deliberate failure to act—as our Republican colleagues recommend—would leave millions of Americans mired in a status quo that consistently—consistently—fails them.

I recently heard from Valerie, a working mother in Warwick, who carried the health insurance coverage for her entire family until she lost her job. The double blow of losing her job and her insurance left Valerie and her husband with very few choices. The choice they faced was a difficult one. Here is what they decided: After paying for costly individual plans for their teenagers, they could not afford coverage for themselves. So they went ahead, covered their kids, and have left themselves exposed to the devastating financial consequences of getting sick while uninsured.

Here is what Valerie wrote to me:

Looking back on our lives, major life decisions have been based upon the availability and affordability of health insurance for our family. I have had to pass up job opportunities and make other major sacrifices to ensure we had affordable insurance. Now that isn't even possible.

Valerie is one of the 14,000 Americans who lose their health care coverage every day we do not act. Mr. President, 14,000 is a very big number, but it is just a number. Behind each one of those 14,000 people is a story like Valerie's and a family who is worried and anxious, perhaps even frightened.

For Emily, a resident of Barrington, the continuation of the status quo would prolong the endless runaround she and her husband have endured to get just one health insurance claim resolved.

Last March, Emily's husband required back surgery. The insurance company preapproved the coverage, assuring him the surgery would be paid for. With this assurance, Emily's husband went to the hospital and went through with the surgery.

Months later, however, the insurance company still had not paid. They began to ask for more information. Emily resubmitted lengthy paperwork, but she heard nothing back. Nine months have

now passed—9 months—and the insurer has yet to pay the \$17,000 charge for her husband's surgery.

Nationally, insurance company overhead has more than doubled in the past 6 years. It is up more than 100 percent in the past 6 years. It is now estimated to cost America \$128 billion. What do you suppose they spent that money on when they doubled their overhead and their bureaucracy? More people to take cases such as Emily's and find more ways to deny and delay their payment.

If we do not change the status quo, there will be even more insurance bureaucracy, even more fighting to delay or deny claims, and even more people such as Emily and her husband who are on the short end of the stick when the insurance companies engage with them.

For Christine, a concerned mother in Providence, the status quo has left her worried sick about her son. Christine has always provided health insurance for her family, but when her son turned 23 years old he became ineligible for coverage under her insurance policy.

In this difficult economy, Christine's son has only been able to find part-time work, like so many other Americans, so many Rhode Islanders. Christine writes this:

It breaks my heart when he expresses to me that he feels insecure and strange that he is not covered medically.

Christine prays that nothing goes wrong with her son that would require medical care, and asks me: "What is he to do?"

Well, when this bill passes, Christine's son will have something to do. He will be able to stay on her family coverage until he turns 26.

These stories I have shared today—stories from anxious families of fear, uncertainty, and frustration—are the direct result of the rampant dysfunction in the broken status quo of our health care system. I know the Presiding Officer, who comes from Minnesota, sees this in his home State every day.

The legislation we passed in the Senate on Christmas Eve will begin to correct this rampant dysfunction. It will begin to make our system start to work for the American people and not support the insurance companies working against them.

To our Republican colleagues who seek to delay and obstruct this historic reform, I have to say we need to pass comprehensive health care reform so people like Valerie never have to make the choice between health insurance for herself and health insurance for her children. We need to pass comprehensive health care reform so that people such as Emily and her husband can't be denied care or denied payment or get the runaround from profit-driven insurance companies. We need to pass comprehensive health care reform so that children such as Christine's son can stay on their parents' insurance policies, particularly during this tough economy, until the age of 26, helping

them get by during those exciting, challenging, tumultuous years when a young person gets out of college and starts to find their way in the workforce, those years between college and an established career.

These changes will make a real difference in the lives of millions of Americans. I hope all of my colleagues will hit the reset button on their opposition and will think of the Emilys and the Valeries and the Christines in their home States, the thousands of Americans whose lives will be made better in real and important ways by this reform. I urge them to join us in supporting this historic effort.

I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER (Mr. BURRIS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### UNANIMOUS CONSENT AGREEMENT

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the list that I will send to the desk shortly be the only first-degree amendments in order to H.R. 1586 other than any pending amendments; that the first-degree amendments be subject to second-degree amendments which are relevant to the amendment to which offered; that managers' amendments be in order if they have been cleared by the managers and leaders and, if offered, they be considered and agreed to and the motion to reconsider be laid upon the table; further, that upon disposition of all amendments, the substitute amendment, as amended, if amended, be agreed to and the motion to reconsider be laid upon the table; the bill, as amended, be read a third time and the Senate proceed to vote on the passage of the bill; that upon passage, the title amendment, which is at the desk, be considered and agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list of amendments is as follows:

#### DEMOCRATIC LIST—FAA

Baucus: 1. Relevant to any on list.

Begich: 1. Alaska Native training, 2. Oxygen cylinders, 3. NextGen Avionics.

Bingaman: 1. EAS.

Cantwell: 1. Increase number of beyond perimeter exemption DCA, 2. Bond financing fixed wing emergency medical aircraft (#3477), 3. Study natural soundscape preservation, 4. Required navigation performance improvements, 5. Implementation NextGen, 6. Rollover treatment IRAs airline carrier bankruptcy, 7. Shipping investment withdrawal rules.

Cardin: 1. Worker safety, 2. Passenger bill of rights, 3. EAS, 4. Relevant.

Durbin: 1. Study airline and intercity rail codeshare arrangements, 2. Development best practices/metrics/design/maintenance.

Feingold: 1. Transportation earmarks (pending), 2. Airport development funds.

Feinstein: 1. Cabin air quality.

Landrieu: 1. Passenger rights.

Lautenberg: 1. Newark Airport Traffic study #3473, 2. Transportation terminal fees #3484.

Lieberman: D.C. Schools (pending).

Menendez: 1. Transparency of fees, 2. Fuel surcharges, 3. Monitoring of air noise in NYC/NJ air space, 4. Pilot distraction study.

Nelson (NE): 1. Passenger fare charges.

Nelson (FL): 1. General Aviation/Military airport program #3479.

Rockefeller: 1. Relevant to any on list, 2. Relevant to any on list.

Reid: 1. Clark County lands #3467, 2. Airport improvement land lease #3468, 3. Flood mitigation #3469, 4. Relevant to any on list.

Schumer: 1. Rules relocation #3478, 2. Transfer off peak slots #3480, 3. Pilot qualifications.

Shaheen: 1. Expansion New Hampshire site.

Specter: 1. Qualified shipyards loan guarantees.

Warner: 1. DCA slots/perimeter rules, 2. DCA slots/perimeter rules, 3. DCA slots/perimeter rules, 4. Volunteer pilot organization (medical airlift).

Wyden: 1. Regulating air tours in national parks.

Sessions: 3453.

Vitter: 3458.

DeMint: 3454.

McCain: 3472, Bicycle storage facilities, Grand Canyon Overflights, NextGen, Earmarks moratorium.

Ensign: 3476, DCA perimeter rules.

Johanns: FAA.

Inhofe: 3464, Volunteer Pilots.

Coburn: Audit Airports with 10,000 Enplanements, Offset National Park Tour Management Plans, Repeal an Essential Air Service Alternative Program, Reform the Essential and Small Air Service program, Prioritize Aviation national priorities over earmarks, Cap subsidy rate per passenger for certain programs.

Collins: FAA hearing in Maine.

Murkowski: FAA trainee program, flight service stations.

Bunning: Pilots.

Crapo: 3457, Boise TRACON.

Barrasso: 3474.

Bennett: 3462.

Hutchison: 3481, 2. relevant to list.

Grassley: 1. relevant to list.

McConnell: 1. relevant to list.

Wicker: 3494, Amtrak technicals.

## MORNING BUSINESS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## TRIBUTE TO GENEVIEVE "GENE" SEGERBLOM

Mr. REID. Mr. President, I rise today to honor Genevieve "Gene" Segerblom for a lifetime of service to her family, community, and the entire State of Nevada. It has been my privilege to serve the State of Nevada for close to 45 years in a variety of capacities, and during this time I have worked alongside monumental figures from my home State. Yet, perhaps no other person with whom I have come in contact over these years has been as great a force for good as has Gene. Gene will

soon be celebrating her 92nd birthday, and on this occasion I am happy to recognize her life and accomplishments before the U.S. Senate.

Gene was born in Ruby Valley, near Elko, NV. Gene and her family moved to Salt Lake City when she was a baby, but the Great Depression brought them to the Reno area, where Gene attended junior high school. After graduating from high school in Winnemucca, Gene enrolled as a mechanical engineering student at the University of Nevada but changed her major to education. It was during this time that Gene met Cliff Segerblom, the man she eventually married and with whom she raised two children, Robin and Richard. After her graduation, Gene relocated to Boulder City, NV, where she worked as a school teacher.

This upcoming Monday, March 15, Gene will celebrate her 92nd birthday at an event honoring her late husband's artwork. Nevada: The Photography of Cliff Segerblom, is certain to display Cliff's marvelous talent in capturing with his artistic eye the state that I love. I would like to take a moment to speak about Gene's husband Cliff. Cliff Segerblom was one of Nevada's most accomplished artists. Although he was best known for his work with watercolors, Cliff also thrived in photography and acrylics. I am lucky enough to own some of Cliff's incredible paintings, and I count them among my most prized possessions. Gene's husband displayed incredible gifts, and I know that all of Nevada has been enriched by his talents.

Gene is a third-generation Nevadan and comes from a family with a long tradition of public service in Nevada. Her grandfather, W. J. Bell, was in the Nevada Legislature, and her mother, Hazel Bell Wines, was a Humboldt County assemblywoman. Like her mother and grandfather before her, Gene took an active interest in the betterment of her community. In 1979, she ran for and won a seat on the Boulder City Council. Her election coincided with an uneasy period of growth for Boulder City, a time in which the city's water and power resources were dwindling. However, Gene met the problem head-on and helped to bring about an era of sustainable growth to Boulder City.

By 1993, Gene was serving in the Nevada State Assembly, representing Boulder City, Henderson, Laughlin, and my hometown of Searchlight. In 2000, Gene Segerblom's time in the assembly came to a close. However, it was not long before her son Richard "Tick" Segerblom followed in his mother's footsteps and was elected to the Nevada State Legislature.

My wife Landra and I feel grateful for the chance to call Gene a dear friend. Indeed, Gene's life has been one of friendship and compassion to all Nevadans. I am proud of all that she has accomplished, and all she will continue to achieve. I wish her a very happy 92nd birthday.

## TAX EXTENDERS ACT

Mr. KYL. Mr. President, the economic downturn has continued for a year-and-a-half now and has affected most Americans in some way.

Congress has approved a number of measures, which I supported, aimed at helping those Americans. It recently extended unemployment benefits for those who do not have a job. It also expanded the eligibility requirements and duration for COBRA health benefits for those between jobs, and provided a subsidy for those premiums.

I could not, however, support the so-called jobs bill put forward by the majority leader and recently passed by the Senate.

A jobs bill should create jobs. Beyond some of the tax extenders, there is little in this bill that provides a foundation for jobs creation.

The bill is essentially a large spending package that extends, through 2010, aspects of current law. The provisions it contains, such as long-term extensions of unemployment insurance, COBRA, and FMAP State aid, do not promote jobs growth, and, in fact, anticipate that unemployment will still be a serious problem for the remainder of the year.

A negative correlation exists between unemployment benefits and work incentives. As President Obama's chief economist Larry Summers has written:

Government-assistance programs contribute to long-term unemployment by providing an incentive, and the means, not to work. Each unemployed person has a 'reservation wage'—the minimum wage he or she insists on getting before accepting a job. Unemployment insurance and other social-assistance programs increase that reservation wage, causing an unemployed person to remain unemployed longer.

He further concludes:

Unemployment insurance also extends the time a person stays off the job.

That analysis underscores my point. While I do not disavow the need for unemployment benefits and have supported every short-term extension, I do believe that long-term extensions of those benefits do not lead to job creation and should not be touted as part of a jobs bill.

The cost of this bill is also a problem. When President Obama signed the pay-go Act 4 weeks ago, he said:

Now, Congress will have to pay for what it spends, just like everybody else.

This bill waives those brand new pay-go requirements and adds more than \$100 billion to the already-exploding deficit.

Good jobs legislation would address the underlying problem of unemployment, rather than treating the symptoms of a weak economy. Good jobs provide far more security to American families than temporary government benefits do.

There are a number of steps Congress can take that will actually put Americans back to work.

One is ending the constant cycle of spending billions of dollars the Treasury does not have. When the government borrows money—it borrowed \$1.4